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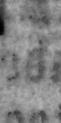

ANNO DOMINI,
1567.

1534

T. B. To the Reader.

WHan I had prynted the booke longyng to a Justice of the peace, togither with other small bookes very necessarie, I bethought me vppon this booke of Surueyenge, compiled sometime by master Fitz herberde, how good & howe profitable it is for all states, that be Lordes and possessioners of landes, and for the holders or tenauntes of the same landes, to haue dayly in hande, to knowe, and beare away the contentes of the same booke, and also howe well it agreeth with the argument of the other small bookes, as court baron, court hundred, and chartuary, I went in hande and prynted it in the same volume that the other be, to binde them al togither. And haue amended it in many places.

The Prologue of the Author, for the declaration of this present treatise.

Salomon sapientie primo. Omnis sapiẽtia, virtus, honor, dignitas, and queq; scientia, a domino deo sunt. This is to say: al wisedome, vertue, honour, dignitie, and cõe nynge, are of oure lorde God. Than sith almighty God, our redemer & creatour, by hygh wisedome, goodnes, liberalitie, and prouidence in this transitorie world and miserable life: hath ordeyned diuers estates and degrees in his people and creatures, and some of them as wel hath endowed with ghostly & heuenly wisdome, & distinct graces, as with great honour, possessions, and riches, with great giftes and graces, as well spirituall as temporall. His high commaundement chargeth euery persone, that is partaker of the saide giftes or graces, charitably & discretely, the same to distribute and deuide amõg his poore creatures. That euery poore persone, that is willyng to labour duely for his liuyng, may haue therby conuenient help and sustenance. And in as much, as the great estates, rulers,

and gouernours of this realme, whome our sauiour hath so largely and bountiously rewarded, wyth all suche gyftes, possessions, and richesse, haue accordynge to his pleasure and commaundement, dempsed, distributed, and graunted to the creatoures of God, and to theyr fermours and tenaunts, theyr seuerall possessions and inheritaunces, reseruing to theym for the same certaine rentes, customes, and seruices, to susteyne and vpholde their honours and estates, as to them appertayneth, accordyng to theyr highe giftes and graces, wherewith they be so largely endowed. And for the great zeale, loue, and comforte that I beare to the saied fermours and tenantes, and to al other goddes creatoures, that they maye more surely, easily, and profitably encrease and sustein theyr pore housholde, wyues, and children, and also truely to pay theyr rentes, customes, and seruices vnto theyr lordes, and the honours of theyr fermes and tenauntrice:

Of late by experience I contrined, compiled, and made a treatise for the seme poore fermers and tenauntes, and called it the booke of husbandrye: in the whiche me semed was very necessarie for husbande menne, that vse tyllage, and for manye other of dyuers degrees and occupations. And where, as in the prologue of the sayed booke, I demaun-

ded

ded and asked a question, and that was this: wherunto is euery man ordeyned, as playnlyke doth appere, in the prologe of the same: In like maner in the prologue of this treatyse, the which I entende by the sufferaunce and helpe of our lorde Jesu to contriue, compyle, and make to the profyte of all noble men and women, bothe spirituall and temporalle, I demaunde an other question, and that is this: Howe and by what maner doo all these great estates and noble men & women lyue, and mayntayne theyr honour and degree? And in myne opinion, theyr honour and degree is vpholden and mainteyned, by reasone of theyr rentes, issues, reuenewes, and profittes, that come of theyr maners, lordshippes, landes, and tenements to them belongynge. Than it is necessarie to be knowen, how all these maners, lordshippes landes and tenementes should be extended, surueyed, butted, bounded, and valued in euery parte: that the saied estates should nat be deceyued, defrauded, nor disherited of theyr possessions, rentes, customes, and seruices, the whiche they haue to them reserued, for mayntenaunce of theyr estates and degrees, and that there be no parcell thereof lost nor imbeselde, and this may the lorde of the saied maners, lordeshippes, landes, and tenementes, haue perfite knowlege, where the lande

lieth, what euery parcell is worth, and who is his freeholders, coppe holders, customarye tenaunt, or tenant at his will. And what rentes, customes, and seruice he oughte to haue of theim, with many moo articles, as hereafter shall be declared, wherefore it is necessarie, that euery great estate, both men and women of worshyppe that haue greate possessions of landes and tenements, should haue a surueyour, that can extend, butte, and boũde, and value theim. And therof to make a booke in parchement, bearynge a certayne date, after the maner and fourme as I shall make an intituling and to amende it where he seemeth conuenient, Quia facilius est addere quam de nouo facere, That is for to saye, It is lighter to adde, refourme, or correct, than for to make newe and perfite. And the Surueyour to leaue the sayde booke made by hym, with his lord, in maner of a Register, whereunto the same surueyour or an other officer, may alway haue resort, whan nede shal requyre, to loke vpon. And that booke so truely made, may be a Register and sure euidence, that the lorde, his freeholders, copie holders, nor tenantes, shal neuer lose landes nor rentes, customes nor seruices: but euery manne that readeth the boke, shall perfectly knowe where the lãdes lie, whose it was at the day of the makinge of the sayde boke, and whose

it is. Than, if the owner make a true pee, degree, or conueyance, by discent, or by purchas vnto the said landes or lordshippes. And specially, if the names of the lordes and tenauntes that occupie, myght be renewed ones in forty or thre score yeres. For than it would be as a perpetuall & sure euidence for euer, to put away all strife and variaunce betweene lorde and lord, lord and tenaunt, tenant and tenaunt in good quietnesse and peace. But of one thynge I pronounce and declare, and take God to my recorde: that I make this boke (al onely) to thentent that the lordes, the freholders nor theyr heires should not be disherited, nor haue theyr landes lost nor imbeselde, nor encroched by one from an other: & to none other intente. And for that I aduertise and exhorte on Goddis behalfe, all maner of personnes, as well lordes, as other: That whan the lordes or freeholders knowe where theyr landes lye, and what euery pasture or parcell is woorth by the yeere: That the lordes nor the owners thereof, doo nat heyghten theyr rentes of theyr tenauntes, or to cause theim to paie more rent, or a greatter fyne, than they haue beene accustomed to doo in time past. For as me semeth, a greater charitie nor almesse dede a mā may not wel doo, than vpon his owne tenaunts. And also to the contrary, a greatter bribery nor extor-

cion a man can not doo, than vpon his owne tenaunts, for they dare not saie naie, nor yet complayne, and therefore on theyr soules go it, that so do, and not on mine: Parauenture the lorde will saye, it is nat his deede, it was his Surueyours, but that can not bee so, for sainct Augustine saythe, Qui per alium facit, per seipsum facere videtur. That is to saye, He that commaundeth another man to do a thynge, he doeth it himself. And there be two principalles in one act doynge, and also he saythe. Consenscientes & agentes pari pœna puniantur, That is to saye, the consentours and the doers shal de lyke punished. At grammer schole I learned a verse and that is this: Dum poteris, quid vis; possis cognoscere quid sis. That is to say, whā thou maiste do what thou wilt, thou maist know what thou arte. That is to witte, good or yuell. But for a grounde of this treatyse, the whiche I doo note, and call the boke of Surueyenge and of improuementes, I do take an old statute named Extēta manerij, as a principal groūd therof: as here after ensueth.

(P)

Of castels and other buil-dinges, what the walles, timber, stone, lead, sclate, tile, or other couerings is woorth: as well within the walles as without. And also of gardens, curtylages, doue houses, and al other pro-fittes be woorthe by the yere. &c.

CAP. PRIMO.

INQVIRENDVM est de castris, & etiam alijs edificijs fossatis circumdatis quãtum muri & edificia ligna & labidia, plumbo & alio modo cooperata valẽt, & pro quanto appreciari poterunt secundum verum valorẽ eorundem murorum & edificiorum. Et quantum edificia extra fossatis appreciari possunt, & quantũ valeãt vna cum gardinis, curtilagijs, colũbare, & omnibus alijs exitibus eur. per annum, This is to saye in englyshe: It is to be enquired of castelles, and also of other buildinges, timber, stone, leade, and other maner of couerynges is woorthe. And how they maye be solde, after the verse value of the same walles and buyldyng. And how muche the buildinges without the dyche

may be solde for, & what they be worth, with the gardens, curtylages, douehouses, and all other issues of the courte by the yere, To the declaration and construction of this statute, (me semeth there ought to be made a distinction) for the statute goeth generally, De castris & aliis edificiis fossatis & circundatis & extra fossatis, These wordes go as well to those castelles and other buildynges, that be wel vp holden and inhabited, as well as of those that be fallen in decay, and not inhabited, and to those that be inhabited. It is not necessary to be extended nor valued in any parcell: for let a mā make a castell, towre, or any maner of newe buyldynges, & finisshe it clerely, yf he shoulde go take it downe, and sell euery thyng by it selfe agayne, he should lose the more halfe of his money. And therefore in mine opinion, this statute was made soone after the barons warre, the whyche ended at the battayle of Euesham or soone after, in the time of kyng Henry the thyrd, where as many noble men of bloud were slaine, and many fled, that afterward were attaynted for the treason they dyd to the kyng. And by reason therof, theyr castelles and manoures were sealed into the kynges handes. And so for wante of reparacions, the castels & the manours fell to ruine and in decaye. And whan the kynge and his counsaile saw that, they thought it was bet-

ter to extende theym, and make the mooste profite that they coulde of theym, than to let theym to fall to the grounde, and come to no mannes helpe and profite. Wherefore kynge Edwarde the firste ordeyned this statute to be made the fourth yere of his reigne, wherin is contained many & diuers chapters and articles, the which at that tyme was but instructions, how and what they shuld do that were cõmissioners or surueyours in ỹ same. ¶ Fyrst it is most necessary and conuenient to retaile and to sell euery thynge by it selfe, and not al in grosse, some to one man, & some to an other, For that that is good for one mã is not good for an other: & euery thynge to be praysed & solde by it selfe, that is to saye, The stone wall of one house by it selfe, the timber of the same house by it selfe, the coueryng by it selfe, the tyle, sclate, or lead by it selfe, the glasse by it selfe, the yron ware, as barres, bandes, hokes, boltes, staples, or latches, and all suche other by theym selfe, doores, wyndowes, bourdes, & al other thynges by them selfe, and to goe fro hous to house, & sell euery thing by it selfe, and than shal the trewe value be best knowen. And it is conuenīet, that these thynges be offred to be solde to dyuers men, and to see who will giue most, and specially to sell whan men desire to bye. Also to value, what the grasse of the gardens, curtilages,

lages, courtes, & house places that be within the dycheslle or without, be woorthe by the yere. A curtilage is a littell croft or courte, or place of easement to put in cattell for a time, or to lay in wodde, cole, or timber or suche other thynges necessary for household. Also to value the profite of the douehouse, yf any bee there, if it be replenished with doues.

¶ Howe many feldes are of the demaynes, and how many acres are in euery fielde, and what an acre is worthe by the yere, &c. Cap. xi.

ITEM inquirend. est, quot campi sunt in dominico, & quot acre sunt in campo, & quantum valet quelibet acra per se per annum. It is to be enquyred, howe many fieldes are of the demayns, and howe many acres are in euery fielde, and what euery acre is worthe by the yere. This is a light letter, and needeth but lyttell declaracion, for by these woordes, quot campi sunt in dominico, It must nedes be taken of fieldes that be in tillage or plowynge, but it woulde be vnderstande, whether the demeyne landes lie in the comen feldes among other mens lande, or in the fieldes by theim self. And if they lye in ỹ commen fieldes, it is conuenient that they be plowen and sowen, & than is not an acre so much worth, as and

it were in seueraltie inclosed, or in seuerall pasture. For and the fielde be inclosed about, than it is at the lordes pleasure, whether they shall lye to pasture or to tillage, and thought it lye in tillage yet hath the lorde the Edishe and aftermath him selfe, for his owne cattel. And therefore an acre is at the more value, & if it lye in pasture, the pasture may be suche, that it is at double or treble the value of the arrable lande, wherefore the acres are to be praysed accordynge, and yf they be great flates or furlonges in the common fieldes, it is at the lordes pleasure to enclose them, and kepe them in tillage or pasture, so that no other man haue commen therein.

¶ Howe many acres of medowe are of demaynes, and how much euery acre is worth and to what maner of cattell it is moste necessary vnto, and how many beastes it wyll finde, & what the pasture of a beast is worth, by the yere. Cap. iii.

ITEM inquirendum est, quod acre prati sunt in dominico, & quãtum quelibet acra valet ad locandũ per se per annum, & ad cuiusmodi bestias & animalia pastura illa fuerit magis necessaria, & quot & quales possit sustinere, & quantum valet pastura cuiuslibet bestie & animalis ad locandum per annum. It is to be enquered, howe many acres of me-

dowe

dowe are of the demayns, & how much euery acre is wozth to set by the yere, and to what maner of beastes oz cattell it is most necessary vnto, and how many it will finde, and of what maner, and what the pasture of one beast is wozth by the yere. And in mine opinion, it wold be vnderstand whether the medowes oz pastures lye in common medowes oz common pasture, at large oz in seueralte; For & it lie at large in the commō medowes, an acre is noo better wozthe than the grasse that the hey is made of is wozth, for after it is commen and of litell value. And if it lye in seueraltie it is wozth halfe as much agayne, as the grasse was wozthe. And that hyghe ground & dzye, is most conuenient for shepe, wood grounde and bushe for bestes, and specially in winter tyme. Lowe grounde, medowe grounde, and marishe grounde for hey, and after for fatte cattell, and in winter for hozses and mares, and meane grounde, that is bothe hylly and daly, as leyse & lowe groūdes, is good for all maner of cattel, if the grasse be good and fine, and specially for fat cattel oz fatte shepe, hozses, mares, and yong colts, for that grasse that one maner of cattel wyl not eate, an other wil. And therfoze it is good to haue a large close, that diuers maner of cattell may go to gyther in it, & to knowe what a beastes grasse is wozthe by the yere,

that

that is as the pasture is, that he goeth in is worth, and not ouercharged with cattel, and the fineneſſe of the graſſe, and the goodneſſe of an acre. For some acre of grounde is not worthe a penye by the yere, and some acre is worthe .xl.d. and so a beaſtes graſſe maye be dere ynough twelue pens in the yere, and it may be worth .xl.d. or fiue shillynges, and a horſe graſſe or a mare graſſe, may be dere ynough twelue pens or twenty pens by the yere, and it may be worthe fyue shyllynges or a noble, accordynge to the goodneſſe of the paſtures. But howe theſe maners, landes, medowes and paſtures shall be viewed, butted, bounded, and valued, shall be rehearſed, after the ſtatute be ones declared.

¶ Of forren paſtures that be commen, howe many and of what maner of cattel the lorde may haue in the ſame, and what the paſture of a beaſt is worth by the yere. Cap. iiii.

ITEM inquirend. eſt de paſturis forinſicis, quæ eſt cõmunis, quot & quas beſtias & animalia dominus habere poſsit in eadem, & quantum valet paſtura per annum ad locand. It is to be inquired of forrein paſtures that is commen, howe many and what beaſtes and cattell, and what the lorde maye haue in the ſame, and what the paſture of a beaſt is worth by the yere to ſet.

This

This is a darke letter to be wel vnderstande without a better declaracion, for where he sayeth: De pasturis forinsicis quæ est cõmunis. That may be vnderstand thre wayes, for there is in many townes where as theyr closes and pasture lye in seueraltie, there is commonly a commen close taken in, out of the commen or fieldes by tenaunts of the same towne, for theyr oxen or kyne, or cattell, in the whiche close euery man is stinted & set to a certaintie, howe many beastes he shall haue in the same, & of what maner of beastes, they shalbe. And if the lord shall haue any cattel therin, he should be put to a certaintie, & of what maner of cattel, and this pasture may be wel vsed. And also the beastis grasse, what it is worth therin. But than it ought to be shewed, howe many acres be conteyned in the said pasture, and what euery acre is worth, one with an other. An other maner of commyn pasture is moste commonly in playne champion countreyes, where theyr cattell goeth dayly before the herde men, and lieth nygh adioynynge to theyr commen fieldes, and it maye lye in two or thre places or mo. And in these it is also conuenient, that euery man be stinted to a certaintie, other by yardes, landes, organges, rentes, or suche other customes, as the tenantes vse, and the lorde in like maner. These commen pastures may

be

be extended, howe many acres be in euery parcell by it selfe, and what an acre is worth by it selfe, but it can not be so well knowen, what a beastes grasse is worthe yerelye, for they lye most commonly with the falow feldes, and some falowe feldes be better than some, and so a beastes grasse may be better or worse. The thirde maner of cōmen pasture, is in the lordes out woodes that ly commen to his tenaunts, as commen moores or heathes, ỹ which were neuer errable lādes. In these maner of commens, me semeth ỹ lord should not be stinted, nor set at no certentee, but put his cattel vpon such maner of cōmen pasture at his pleasure, bycause all the hole commen is his owne, and his tenauntes haue no certayne parcel therof laide to theyr holdinges, but all onely byrte of mouthe with theyr cattell, and it were agayne reason to abridge a man of his owne right. But his tenauntes and euery mannes tenauntes, me seemeth oughte of ryghte to be stynted, what euerye man ought to haue, goyng vppon all maner of commens, for els would the riche men in the begynnyng of Sommer bie shepe and other maner of catel, & eate vp the commens, & selle theim againe at winter, or put theim in theyr pastures that thei haue spared al the Sommer, and so ouerpresse the poore men, that haue no money to bye nor able to reise.

¶ Of parkes and demein wodes, the which the lord may asserte and to do his profit, and howe many acres they conteyne, and what the vesture of an acre is worthe, and what the ground is worthe, whan the vesture is fallen. &c.

Cap. v.

ITEM inquirend. est de percis & dominicis boscis quę ad voluntatē suam possunt assertare & excolere, & quot acre in se continentur. Et quantum Vestura cuiuslibet acre possit appreciare, & quantum fundus in se contineat & valeat quando prostratus fuerit, & quantum valeat quelibet acra per se per annum.

It is to be enquered of parkes & of demayne woddes, the which at the lordes wyll may be asserted and plucked vp, or fallen doune, and how many acres ar conteined in theim, and for how much the vesture of euery acre may be solde, and how much the grounde in hym selfe conteyneth, whan the wodde is fallen, and how much euery acre is worth by it selfe by the yere. This is to be vnderstād of parkes and demayne woddes, that be in seuerallie, wherof the lorde at his pleasure, may assert, stocke vp by the rootes, or falle by the erth, plowe and sowe to his moste profitte as he wyll. And how many acres of wodde are cōteyned in the same. For in a parke or wodde maye be two hundred acres and more, and

yet

yet not paſt a hundred acres therof, woode, littell more or littell laſſe, & what the veſture (that is to ſaye) the wodde of euery acre is worth by him ſelf, for one acre may be worth xx.s. or xl.s. & an other acre dere inough. iij.s vj s. or.x.s. and how much the hele grounde conteyneth whan the wodde is fallen. And that is to be vnderſtand, all the ground with in pale or hedge, as wel the lande ground as of the wod ground, where the wod growed, and what euery acre is worthe by the yere, as well of the one maner as of the other.

Of forren woddes where other men haue commen, where the lorde may improue hym ſelfe thereof, and of howe many acres, and what the veſture of an acre is worth, & what the grounde is worthe whan the wodde is fallen, & howe many acres they conteyne, and what an acre is worthe. Cap vi.

ITEM inquirend. eſt, de boſcis forinſicis vbi alij communicant, quid de eildem boſcis dominus ſe appropiare, & de quot acris & pro quanto veſtura cuiuſlibet acre communiter poſsit appreciari. & quãtum fundus valet poſtq̃ proſtratus fuerit boſcus, & quot acre iſte contineant, & quantum quelibet acra valet per annum. It is to be inquired of forren woddes, where they & other commyn togy-

ther, and what of those woodes the lord may improue him selfe, and of how many acres, and for how much the vesture that is to say, the wodde of euery acre may be solde, & how much the grounde is worth after the wodde be fallen downe, and how many acres it containeth, and what euery acre is worth by the yere. The declaration of this statute is doutful, because of the none certeintie therof, what is sufficient commen: for it is clerely ordeyned by the statute of Merton, and after confirmed by the statute of westminster second. That the lorde shall improue hym selfe of their wastes, whereby is vnderstand of theyr commen moores, hethes, & waste grounds, as well as of woodes. Thoughe the statute speake but of woodes onely leauynge theyr tenauntes sufficient commen, the whiche in myne opinion be those tenauntes that haue commen appendaũt, & to holde theyr landes of him. It is necessary to be knowen what is sufficient of commen, and that me semeth by reason should be thus. To see how much cattell the hey & the strawe that a husband getteth vpon his owne tenement, will finde sufficiently in winter, if they lye in house, and be kepte therewith all the winter season, for so muche cattell shoulde he haue commen in sommer, and that is sufficient.

¶ Ye shall vnderstãd, that there be .iiii. maner

ner of commons, that is to wit: commen appendant, commen appourtenant, commen in grose, & commen p cause de vicinage. s. neighborshyp. Commen appendaunt is, where a lorde of olde tyme hath graunted to a man a meseplace, and certayne landes, medowes, & pastures, with theyr appourtenaunces to holde of hym. To this meseplace, landes, and medowes belongeth commen, & that is called commen appendant. But & a man graūt to an other certayne landes or pastures, the which lie in seueralte, enclosed with the appurtenaunce in fee, to holde of ẏ chiefe lordes, to these landes me semeth belongeth no commen, without he haue such special wordes in his deede. Commen appurtenant is where a man hath had commen to a certayn nūbre of beastes or without number, belonging to his meseplace in the lordes wastes, this is commen appurtenaunt by prescripcion, bycause of the vse out of tyme of mynde. Commen in grose, is where the lorde hath granted by his dede, commen of pasture to a straunger, that holdeth no landes of him, nor ought to haue any commen, but by reason of that graunte by deede. Nowe the lorde may nat improue him selfe of any parcell, for it is contrary to his graunt, though there be sufficient of commen. And in like case, if the lorde grant commen to a man by dede, and to limitte hym a

certayne noumbre of beastes, see what was commen at that tyme, & of that the lord shall nat improue him selfe, for and he should, the goodnes of the commen to ỹ certain number shuld be abrydged, that they shuld not fare so well, and euery mannes dede shal bee taken strongest against him self. And in like maner if the lord grant a mā commen with his cattel, within certayne meires, limites, & bounds, the lorde shall nat improue hym selfe, within those meyres & bounds. Commen per cause de vicynage, is, where the waste groūd of two townes hips lye togyther, and nother hedge nor pale betwene to kepe theyr cattell asonder, so that the cattell of one townes hyp gothe ouer his meire or bound into the wast ground of the other towne, and likewise the catel of the other townshyp to them. And also if their cōmen feldes ly togither vnclosed, in open time whā haruest is in, their cattel will go out of the one fielde into the other fielde, & this is called cōmes, bycause of neighborshyp, & is not vsed nor lawfull to pin their cattell so goyng, but in good maner to dryue & chace beside such commen. And as for that maner of comens, me semeth ỹ lord may improw him self of their wast groūdes, leuyng their own tenāts sufficiēt cōmen, hauing no regarde to the tenātes of the other tounshyp. But as for all errable lādes, medowes, leise, & pastures.

the

the lordes may improue them self by cours of ẏ commē law, for ẏ statute speketh nothing but of wast groundes, & ye shal vnderstand ẏ how be it that a lord may not improwe him self of his wast grounds, yet may he laufully fall & sell all the wood, brome, gors, fyrs, braken, ferne, bushes, thornes, and such other, as free stone, lyme, stone, chalke, turues, claye, sande, lead, ore, or tynne, to his owne vse, for the tenauntes may haue nothyng by reason of commen, but al onely bitte of mouth with theyr cattell. And ye shall know, that swyne & geese haue no commen, but by sufferance, without special wordes in their charter. Also the lord shal haue his free warren for al maner beastes & foules of warren in his waste groundes, as wel as in his seueral grounds, & as long as the beastes or foules of warren be vpon ẏ lords grounde, they be the lordes if he haue warren, and the lorde may haue an action of trespasse against any man, that chaceth or killeth any of them in his commē, as well as in his seueral. And if they goe or flie out of the lords warren, than is the propertie chaunged, and the lorde hath loste his action for takynge of them whan they be out of his warren without they come into his warren agayne, there is no man hath warren but by special graunt of the kyng by charter, except it haue ben vsed time out of minde, & alowed

before ſuffice in Eire. And as for the articles cõteined in this preſent chapiter ỳ letter ther of is plaine inough, and alſo touched before.

¶ Whether the lorde may giue or ſell the reſidue of his forren woodes, and what ſuche gyfte or ſale is worthe by the yere, &c. Cap. vii.

ITEM inquirend eſt, vtrum dominus de reſiduo boſcorum prædictorum forinſicorum dare poſsit, & quantum valet talis donatio, vel venditium per annũ.

It is alſo to be enqueret, whether the lorde maye gyue or ſelle the reſidue of his forren woodes aforeſaide, and what ſuche gifte or ſale is worth by ỳ yere. This letter is plaine inoughe, & as me ſemeth no doubte, but that the lorde maye gyue or ſelle the reſidewe of the ſayde woodes or waſtes. Excepte that a man haue commen of Eſtouers. But what that gifte or ſale is worth, is to be vnderſtãd and knowen, and as me ſemeth the donee or the byour, ſhal be in lyke cauſe, as the lorde ſhoulde haue ben if he had not giuen it nor ſolde it. Than the lorde hath improued him ſelfe of as muche woodes and waſtes as he can laufully, & whan he hath gyuen or ſolde the reſidue of that, he can non improue him ſelfe of it. In lyke maner the donee nor the byour can nat improue theym ſelfe of any

parte therof. For they can not be in no better case, than he of whome they had it. How be it that they, that of right ought to haue theyr commens, be nat theyr tenauntes, but theyr title & interest grewe by inheritaunce, longe time before the gifte or sale made by the lorde. And it followeth by reason, that the gyfte or sale of a straunger, shal not hurte an other mans inheritaunce. But this donee or this purchasour, shall take to theyr profite al the vesture standinge vpon or beyng within the saied grounde, as woddes, and such other as is saied before in the next chapiter.

¶ Of panage and herbage of the towne, and of all other profites of pooles, meires, and runnyng waters, of moores, heythes, and wastes, what they be worth by the yere. &c. Cap. viii.

ITEM inquirendū est de panagio & herbagio Ville, & omnibus alijs exitibus viuariorum morarum bruerum & vastorum quantum valent per annum.

Also it is to be enquered of panage, and herpage of the same town, & of all other profites of pooles, meires, and rynnynge waters, of mores, hethes, & wastes, what they be worth by the yere. And where this statute speaketh de panagio, that is to be vnderstande, whan

theyr is anye maste growynge in the lordes woddes, wherby mens swine maye be fedde and releued, what profite that may be to the lord. For there is no man that can claymé of right to haue the mast, the whiche is a frute, but the lorde: except his free tenaunt haue it by speciall wordes in his dede, Quod sit quietus de panagio. And the lorde shall haue it in his foren out woddes, aswel as in his parkes or seuerall wodes, and as the quantitie of the maste is, so the lordes baily of right ought to lay mens swyne therunto from Mighelmas to Martylmas, and to make a true accompt therof at the lords audite, what he taketh for euery swyne. And in many places the tenaũtes goode fro panage in the foren woods by custome, and that is most commenly where as the tenãtes paie tacke swine by custome, if he haue to a certaine nombre, or els to paie yerely at Mighelmas i d or an halfpeny for euery swine, as the custome is vsed. The statute speaketh, De herbagio ville. That is to be vnderstande of the commen pasture that belongeth to the towne, whereupon the heardman kepeth the tenauntes cattell. It may be so good, that the tenauntes nede not to haue any seuerall pasture, but that theyr commen pasture shuld be able to finde all theyr cattel both horses, mares, beestis, and shepe, and so it was of olde tyme that all the landes, me-

dowes,

bowrs, and pastures, lay open and vnclosed. And than was theyr tenementes muche better cheape than they be nowe, for the moste part of the lords haue enclosed their demeyn landes and medowes, & kepe them in severaltie, so that theyr tenantes haue no cõmyn with them therein. And also the lordes haue inclosed a great part of theyr wast groundes and streytned theyr tenauntes of theyr commyns therin, and also haue gyuen lycence to diuers of theyr tenauntes to enclose parte of theyr errable landes, and to take in new intackes or closes out of the commens, paying to theyr lordes more rent therfore, so that the commen pastures waren lasse, and the rents of the tenauntes waren more and more. And that is, bycause the tenauntes waren more politike in wisedome to improue theyr tenementes, holdynges, and fermes: and at thende of the terme, an other man that made no coste of the sayed improuementes, offreth the lorde certayn money for a fine to haue it, or to heyghten the rent of the same, so that he that made the coste or his chyldren, shall nat haue the saide ferme, without he wil giue as much or more as is offred to the lorde, and so through the enuy of his neighbour & the couetouseneste of the lorde and his officers, the poore tenant hath a great losse, or els vtterly vndone, god amende it. And the lordes haue a greatter

greatter losse than they wene, for the tenantes se how their neighbours that haue bilded theyr houses, improued theyr landes & be put out, except he make a fine or pay more rente, causeth theim nother to bilde nor otherwise, to improue theyr holdings, to the lords gret losse at lengthy. And where the statute sayth, De omnibus alijs exitibus viuariorum morarum bruerum & vastorum. And of all profites that shall come of the lordes standyng waters, mores, hethes, and wastes. Viuarium is a poole or a meyre that fishe encreseth & liueth in. Some rinnyng waters be as free, and seueuer all to the lordes, as theyr poles, meyres, or standyng waters. And as they be stored with fish so doth the profite ryse to the lordes, whether they go by waye of improuement or sette to ferme: wherof the bayly shal make accompt. Woores, hethes, & wastes, go in like maner as the herbage of the townes, for the lordes tenantes haue commen in all such out groũdes with theyr cattell, but they shal haue no wodde, thornes, furues, gorse, ferne, & suche other, but, by custome, or els speciall wordes in his chartour.

¶ Of mylnes, seuerall fishyng, and commen fishyng, what they be worth in the yere.

Cap. xx.

ITEM

ITEM de molendinis, piſcarijs ſeperalibus & communibus, quantum valent.

Alſo of mylnes ſeuerall fiſhynges, and commen fiſhynges, what they be wozth In this ſhozte article many thinges are to be remembzed, foz where he ſaythe, De molendinis, the whiche is in the plurel nũber, it is to be vnderſtand, ỹ there be many maner of mylnes, as cozne mylnes. wyndmylnes, hozſemylnes and quernes that goe with hande: Fullynge mylnes, ſythe mylnes, cutler mylnes, ſmithe mylnes, and al other, as the wheele gothe by dzift of water, to blow ỹ belowes, oz to dzay any water like a pompe, as there be in Cozn-wall and diuers other places, Thoughe they be no mylnes, pzoperly to grinde cozne, yet it is a pzofite to the lozde, the whiche a ſurueyour may not fozget to put in his boke, and to but and bounde them as thei lie, and who be the ſermours, and what rentes thei pay. And to the cozne mylnes to the moſt part of them belongeth Socone, that is, to ſay, cuſtome of the tenaũts to grynde theyz cozne at the lozdes mylne, and that is as me ſemeth, all ſuch cozne as groweth vpon the lozdes grounde, that he ſpendeth in his houſe. But if he bye his cozne in the market oz other places, he is than at libertie to grynde where he may bee beſt ſerued, that maner of grindyng is called loue Socone, and the lozdes tenaunts be cal-

led bonde ſocone. And if the grinde nat their corne at the lordes mylne, the lorde maye amerce theim in his court, or els he maye ſue thē at the cōmen law, De ſecta molēdini faciēda. But whan he ſhall make his declaration in the debet, and whan in the ſolet, I remytte that to menne of lawe, that haue experience therof. It is alſo to be knowen how the tolle ſhould be taken, but there be ſo many diuers grauntes made by the lorde, ſome men to be grounden to the twenty parte, and ſome to the. xxiiii. parte, tenaunt at wyll to the. xvi. parte, and bondemen to the xii. parte, ſome men to be tolle free, & ſome to be hopper free, that is to witte, ỳ his corne ſhalbe put in to the hopper & grounde nexte to the corne that is in the hopper, at the time of his cōmyng. And in ſome place to take the tolle after the ſtrength of the water, that followeth by reaſon, for that mylne that hath a bygge water, and may driue a great brode ſtone, the which wil make much more meale, thā that mylne that goth with a littel ſtone, he is much better worthy to haue the more tolle, & yet ſhall the owner of the corne haue the more profite. And ſo there be ſoo many diuerſities of takynge of tolle, that I wyll not take vppon me to tell how, but alſo remitte it to menne of lawe, to ſhewe the diuerſities. But doubt ye not, the mylners will be no loſers, and of

mylnes

mylnes there shall more be spoken of in the chapiter of waters, amonge ỹ improuementes, De piscarijs & seperalibus: that is to be vnderstande, in the lordes standynge waters, as poole s and meyres: and also rynnynge waters that be seuerall, as be very many in diuers countreis, sette to ferme from one place of the riuer to an other, for certayne rente, and if any man fisshe in the lordes pooles or meyres, the lorde may haue his action vpon the statute westmynster primer. And yf he fisshe in the renning and seuerall waters, the lorde maye haue his action at the commen lawe, and in lykewyse the lordes tenaunt, if any man fisshe in his ferme holde, be it standyng waters or rūnyng waters. And where he sayth, De omnibus, of commen fisshynges that is lyttell profitte to the lorde, but to his tenauntes, except he dwell nighe the see, and wyll cause his seruaunt to fisshe there for him, for that is the beste commen water that any man can fisshe in. And some runnynge waters be commen, as lyttell brookes and ditches, and in some runnynge waters, the lordes tenauntes haue libertie by custome to fisshe with shouenettes, trodenettes, small pytthes, and such other.

¶ Of free tenantes, the whiche dwell without as well as within &c. Cap. x.

ITEM

ITEM inquirendum est de libere tenentibus quibusque forinsecis & extrinsecis.

Also it is to be enquered of freholders, the which dwel without as well as within. By this letter it is to be vnderstande, that a free holder may dwell out of the precincte of the lordes manour, and yet hold his lande of the sayd maner. For one manour may stretch in to diuers shyres, as the honor of Tuteburye, walyngforde, Dountfret, Tyckell, and suche other: And in that case the lorde of the honour or manour, may take a distresse for his rentes homagis, reliefes, customes & seruices, and to bryng the same distresse oute of that shyre, where it was taken, into that shyre, where the manour is, of whome these sayde landes be holden. And if the tenant wil sewe Repleuy, the sheriffe where the cattel is shal make & serue the Repleuy, & not the sheriffe where the goodes or the cattel was take, nor returne vpon his repleuy, Quod aueria elongata sunt. And the lorde maye haue a freholder that holdeth his land of him, and payeth him chicke rents and other seruice, and nat by the reason of any maner. And thus if a mā purchase a parcell of lande before the making of the statute, Quia emptoris terrarum, and giue the same landes agayne to a straunger before the makynge of the sayed statute, to holde of hym by certayne rente and seruyce.

This

This may be called a forren free holder, for it is no parcell of any maner, and it is no manour it selfe. For to euery maner belongeth two thynges, that is to saye, parcelle in demayne, and parcell in seruyce, That is landes in demaine belonging to the maner, and seruice, customes, or rentes, and this freeholder I spake of before, hath demayne, but he hath no seruice. Also a man may haue both rente and seruyce of a freeholder, and yet he holdeth not his landes of hym that he payeth his chiefe rent vnto. As and a man purchase landes sithe the makyng of the saide statute, and giue it to a straunger, reseruyng fealtie and certayne rente: this free holder holdeth his landes of the chiefe lorde next aboue, and yet shal he pay his rentes and seruices reserued to hym that gaue it to hym, and if the gyfte were in the tayle, and no remainder in fee ouer, now the reuercio resteth still in the donor. I coulde speake more of the gyftes & remaynders, but I remit them to mé of law that be lerned, for it is not the matter that I entend to speake of. How be it, it is very necessary for euery surueyour to haue in sighte and experience of the commen law, or els at some season he shall deceyue his lorde or his tenaunt, and specially his owne soule, for sainct Isodorus sayth, Quod ignorantia crassa vel affectata non excusat peccatum. That is to say,

ignorance of cunnynge or of the faculltie in hym that taketh vpon hym as a mayster or techer of the science or cunnyng, excuseth not a mans offence, for euery man that god hath sende witte and reason vnto, is bounden to know, whether he do well or yuel. And therfore it is necessary, that euery man lerne and do his diligence to knowe, what he ought to do, or he take vppon hym any suche office or rowme.

¶ Who be fre tenantes, & what landes and tenementes and what fees they holde, and by what seruice, whether by socage, or by knight seruice or other, and what rente of assise they giue by the yere, & who holdeth by charter, & who by auncient demayn, & who by newe feoffement. Cap. xi.

¶ ITEM inquirend. est, qui sunt liberi tenentes, & quæ & quas terras & tenementa, & quæ feoda teneant, & per quod seruitiū, vtrū per soccagium, vel per seruitium militare, vel alio modo, & quantum reddant per annum de redditu assise, & qui tenent per cartam, & qui non, & qui per antiquam tenuram, & qui per nouum feoffamentum. Also it is to be enquered, who be free tenauntes, and what maner landes and tenementes, and what fees they holde, and by what seruice, and whether it be

by

by ſocage or by knightes ſeruice, or of any o-ther maner, and what they yelde by the yere of rent of aſſiſe, and who holdeth by charter and who nat, and who by the olde tenure, & who by the new feoffement. It appereth by this article, that there be many maner of fre holders, & holde their landes & tenementes in diuers maner, and by many maner of rents, cuſtomes, & ſeruices, as tenauntes in fee ſimple, tenauntes in taile, tenauntes by copie of court role, tenaũtes by the curteſy, tenantes in dower, & tenaũtes for terme of life by ſpe-cial graũt, & many other. And all theſe tenan-tes may hold theyr lãdes by diuers tenures, cuſtomes, & ſeruices, as by homage, fealtie, eſcuage, ſocage, knyghtes ſeruyce, graunte ſergentie, petite ſergentie, franke almoyne, homage auncetrell, burgage tenures, and te-nure in villenage. But to declare ỹ diuerſitie of all the tenures, it wolde be to longe a pro-ceſſe, & therefore I remitte it to the firſt boke of the commen law, called the tenures. But the diuerſitie of theſe tenures, what rentes, fees, cuſtomes, & ſeruices, the lorde oughte to haue of his tenaũtes, can not be knowen but by the lordes euidence, courte rolles, rentay-les, and ſuch other preſidentes, and ſpecially by the originall dedes of their tenantes. And ye ſhall knowe, that the lordes may nat dy-ſtraine their tenantes, nor ſeaſe their landes

into theyr handes, to cause theyr tenantes to shew theyr euidence, wherby they hold theyr landes. But if the lorde haue any euidence, rentayles, or court rolles, of any maner of rétes, customes, or seruices, that he hath nat, and can proue a possession of the same in his ancestors, sithe the limittacion expressed in the statute of westmynster seconde in the seconde chappter, than he maye lawfully dystrayne for the same. And than must the tenaunt shewe a discharge by sufficient wrytinge, and nat by woordes, or els to pay the same: for matter in writyng, may nat be discharged by a nude paroll. s. bare woordes. The statute speaketh, Qui tenent per cartam, & qui non. The tenantes in fee simple, and the tenauntes in tayle, that haue euidence and dedes made & sealed, & possession deliuered of theyr lordes or by theyr attourney, from one to an nother they hold theyr landes by charter. be it new made or olde. And also there be tenauntes in fee simple, & tenaunts in tayle, that holde by no charter, & those be tenauntes by copy of courte role. As and a lorde haue a manour, and within the saide manour there is a custome, that hath ben vsed tyme out of mynde, that certayne tenauntes within the sayde manour, haue vsed to haue theyr lãdes and tenementes, to holde to theym & to theyr heyres, in fee simple, fee taile, or for terme of

life

lyke, at the wyll of the lorde after the custome of the maner. And suche a tenaunt maye nat giue nor sell his lande by dede for and he do, the lorde maye entre as in landes forfayte to hym. For if suche a tenaunt will gyue or sell such maner of landes to another, he must surrendre the same landes in the lordes courte, into the lordes handes, vnto the vse of hym that should haue it, in fee simple, fee tayle, or for terme of lyfe. And he that shall haue the lande, must come into the courte and take it of the lorde, as here after followeth.

¶ A D hanc curiam venit I. B. & sursum reddidit in eadem curia vnum messuagium. &c. in manus domini, ad vsum A. D. hered̄ suorum vel hered̄ de corpore suo existentium, vel pro termino vitæ suæ. Et super hoc venit prædictus A. D. & cœpit de domino in eodem curia prædictum messuagium. &c. habendum & tenend̄ sibi & hæredibus suis, vel sibi & hæred de corpore suo existentibus, vel sibi ad terminū vite sue ad voluetatem dòmini secundum consuetudinem manerij, faciendo & redendo inde reddit̄ seruicia & cōsuetudines inde prius debita & cōsueta, & dat domino de fine. &c. & fecit domino fidelitatem, & admissus est in de tenens. And these maner of tenaūtes shall nat pleade nor be impleded of theyr tenementes by the kynges writte, but and they will implede eche other for theyr tenementes, they shall haue theyr playnte made in the lordes courte, after this forme or effecte.

¶ A. de B. queritur versus C. de D. de placito terre vi-delicet de vno messuagio, decem acris terre, tribus acris prati &c cum pertiñ. And shall make protestation to sue his playnt in the nature of the kynges writte of Formdone in descender at the commen lawe, or of the kynges writte of Assise of nouel disseison, or of assise of mortanceter, or of any other wrytte at the commen lawe. Plegij de prosequend. G.F. & G.H but how the declaration, the aunswere, replication, and reioynder shulde be made: and also an action of Dette, detinue, couenaunt, trespasse, and such other, I remit that to men of lawe, that haue experience thereof. But one thyng wotte I well, that many an erronius processe, the stewardes make in their courte rolles, wherfore men of honour and of worshippe, and abbottes, pryours, and suche other, should make men of law theyr stewardes, and to cause theym to exercise the office him self, with his clerke sufficiētly instructed by his mayster, that there may be made due proues, without fauour, bribery, or extortiō, on peyne of forfayture of his office. But it is a commen vse in some coūtreys: that lordes, knyghtes, squiers, & gentilmen, that knowe but littel of the lawe, be made stewardes, & they come to ỳ courte or sende their clerkes, that cā as litrell law as their master or lesse, but that he vnderstandeth a littel latyn. And

if there be a fine to make for a tenemente, house, or close that is to be set: the stewarde shall haue a rewarde for his good will, that he may haue it before an other man, and the clerke must haue an other rewarde for to entreate his master to the same, so that the lordes fine must needes be the lesse, or elles the poore man shal be at a gretter charge: where of speaketh Salomon, Prouerbiorum. xvij. Melius est parum cum iustitia, q̃ multi fructus cũ iniquitate. It is better to haue a littell ryghtuously, than to haue muche profitte wickedly. But now to my mattier, that I spake of before, there may be in one maner or lordshyp, both charter lande, and coppye lande, and eche of theym well knowen from other, and one mã may haue and holde them bothe. Also there be other tenauntes by copy of courte rolle, and are called tenauntes per le verg. s. by the yarde. And they be called soo, bycause whan they would surrendre theyr tenementes into the lordes handes, to the vse of an other, they shall haue a littell yarde in theyr hande by custome of the courte, and that they shall deliuer vnto the stewarde, if he be there present, or to the bayly or reue, or to other two honest men of the lordeshyppe. And at the next court he that shal haue the sayde landes shall take it in the courte, and hys takinge shall bee entred in the rolle, and the ste-

warde or bayly, as the custome is vsed, shall delyuer to hym that shall haue the lande, the same yarde, or an other in the name of seasen, and hath none other euidence, but the coppe of the court rolle, and it may be made in fee simple, or fee tayle, or for terme of life. And al maner of customes that be not again reason, maye be admitted & alowed for a custome. And how be it that these maner of copie holders haue an estate of inheritaūce, after the custome of the maner, yet haue they no franke tenement, bycause of the common lawe, and therfore they be called tenauntes of base nature. Me semeth it were necessary and conuenient, to shewe diuers diuersities how copies should be made, for feare least euery man that taketh vppon hym to kepe a courte, hath not perfitly the experience therof, as hereafter ensueth.

¶ Fyrst of surrenders of landes holden by the yarde.

¶ He shal take a yerde in his hand by thend, & deliuer the stewarde the other ende in his hande, and say to the stewarde. Here I, A. B. doo yelde vp, or surrender my landes called D the whiche I holde of this lordshyp at the lordes will, after the custome of this manour, to the behoue of John Brown & his heyres.

¶ How

¶ How the stewarde shall delyuer seasō.

¶ The stewarde shall delyuer hym an ende of the yarde in his hande, that shal haue this lande, and he shall saye thus to hym. My lord graunteth you seasō of this lande that was A.B. the which ye take here in the court to you and to your heires, to holde at my lordes wil, after the custome of this maner, and than he shall be sworne. &c.

¶ The maner of the othe of the tenaunt.

¶ I shall beare faythe and trouthe to my lorde of this manour, as for the landes and tenements that I haue taken of him, & truly do and pay the suites, customes, rentes, and seruices that longeth therto, as for the terme that I shall occupie it, so helpe me god. &c. and kysse the booke, and lay downe a peny as the custome is.

¶ How the copie shoulde be made of landes holden by the yarde.

¶ AD hanc cur dominus concesit extra manus suas per I. F. capitalem sen̄ suum T. D. & M. vxori eius vnum mess. & sex acras terre cū pertin̄ iacentes apud

B. quibus dominus per senescallum suum concessit seisinam habend. sibi & heredibus suis de domino per virgam ad voluntatem domini secundum consuetudinem manerij, & dant domino de fine pro ingressu inde habendum, pro ut patet in capite, & fecit domino fidelitatem, & admissus est in de tenens.

¶ An other forme for certayne rent, for all maner of seruyce.

¶ AD hanc cur. dominus concessit per I. F. senescallum suum. T. B. & M. vxori sue vnum mess. sex acr. terre. ii. acr. prati, & vnum acram bosci cum pertiñ prefatis T. & M. hered. & assignatis suis ad voluntatem domini secundum consuetudinem manerij, redd. inde annuatim domino, & hered. suis, vel successoribus suis, si dominus sit religiosus. v. s. vi. d. pro omnibus & singulis seruicijs ad duos anni terminos videlicet, &c. equis portionibus, & dãt domino de fine. et c. & fecit fidelitatem.

¶ The common course is to put in certeyntie all theyr rentes, customes, and seruices, in theyr copies, and that is in aunciente demayne, and in al places where their tenants haue their landes by coppye to them and their heyres, after the custome of the manour: for there thei haue or ought to haue a customary rolle, wherin is euery mãs lande conteyned, and what rentes, customes, & seruices euery man ought to pay and doe: and in many places,

ces, theyr lawes, and theyr customes be put in writyng, and remayne in theyr owne keyping, to put them in a redineſſe, whan nede ſhall require, but and there ſhalbe made any new incrochementes or intackes incloſed or taken in, out of the commens, or any myne new found, as lead or tyn, cole, yron, ſtone, or ſuch other, if a coppe ſhalbe made therof, it is than neceſſary & conuenient, the rent thereof to be put in the copie, for it is a newe thyng that hath not goone by cuſtome, and alſo it wolde be put in the cuſtomary rolle, for this new approuemēt may fortune to encreaſe of rent or decreaſe in rent, & therfore the rentes muſt alway be expreſſed. Alſo where a man hath a lordſhip, wherin be many tenantes ỹ holde theyr landes of their lorde by copy of court role for terme of yeres, or for terme of life, where thei haue no ſtate of inheritāce: In all ſuch copies it is conuenient, ỹ the rēts be expreſſed in the ſame copies, cauſa patet.

¶ A recognition of the tenaunt what he holdeth of the lorde.

¶ AD hanc cur. venit R. T. coram. S. E, ſeneſcallo huius manerij, & cognouit ſe tener. de dño vnū meſſ. decē acr. terr. tres acr. prati cum pertiñ in L. voc. C. libere per carram in ſocagio per redditū xii. d. vel vnam libram piperis, & ſectam cur. bis per annum. Et etiam dictus R. T. cognouit ſe tenere de domino

alium

alium messuagium cum crofto ad iacente, & sex acras terre,&. ii. acras prati cum pertiñ, ad voluntatem dñi secundum consuetudinem manerij, & per redd. duorum solidorũ, & fecit fidelitatẽ, & admissus est tenẽs.

¶ The forme of a copie in auncient demayn, where the proclamacions should be had.

¶ A D hanc cur. tent' ibidem tali die & anno,&c. venit A B. filius & heres I. B. & sursum redd. in manus dñi vnũ messuagium. x. acr. ter. tres acr. prati cum vno crofto in D. infra iurisdictionem huius cur. ad opus. E. F. hered. & assignũ suorum imperpetuum virtute barganie inter eos fact'. Et super hoc publica proclamatio in ead. cur. fact' fuit q̃ si quis aliquod ius seu titulum ad eadem messuag. ter. prat' & croft'. vel in aliqua eorum percella pretendere voluit, vel haberet, veniret, & audiretur, & nullus venit ad hanc cur. per quod secundum consuetudinem manerij, messu. predicit' terre prata & croft' predict' remanerent in manus domini vsq; ad tertiá proclamac. super eosdem fact', & super hoc dies datur est partibus predictis essendi ad proximam cur. manerij predicti, ad audiendum inde iuditium suum super premissis, & ad hanc cur. tent' ibidem tali die.&c. tam predictus A. B. q̃ predicit' E. F. venere,& super hoc secũda ꝓclamacio fact' fuit super premissis, q̃ si aliquis aliquod ius, vel titulum ad prædict' messu. ter. prata,&c. haberet aut pretenderet, veniret & audiret'. Et nullus venit, & super hoc

dies

dies dat' est partibus predictis essendi ad proximã cur. manerij predicti ad audiend. inde iudicium suum. Et ad hanc cur tent' ibidẽ tali die. et c. tam predictus A. B. quam predictus E. F. vener & super hoc tertia proclamatio facta fuit super premissis, quod si aliquis aliquod ius, vel titulum ad predictum messuagium terr. prat' & croft', vel in aliqua eorum parcella haberet, vel pretẽderet, veniret & audiretur, & nullus adhuc venit. Et super hoc dominus per I. G. seneschal'um suum concessit seisinam de predict' messuagio, terris, prat', & croft' cum eorum pertineñ prefato E. F. tenend. sibi hered. & assignñ suis secundum consuetudinem manerij predict', & dat domino de fine ad ingress. &c. & admissus est inde tenens, & fecis fidelitatem.

¶ The fourme of a copy in aũcient demeyn, where the wyfe shalbe examined.

Dale.

¶ A D cur tent' ibidem tali die anno. &c. T. B. de N. & M. vxor eius hic in plena cur. sol. examinat' & cõfess. sursum reddiderũt in manus domini vnum messuagiũ & dimidiam bouatam terr. ac vnam quartonam terre cum suis pertiñ in N. predicta voc. D. ad opus W. C. de O. vnde accidit domino vnum equum de heriotte & super hoc venit dictus W. C. & cepit de domino dict' mess. &c. cum suis pertiñ, habend & tenend sibi & Anne vxor. suæ & her. & assignñ ipsius W. imperpetuũ secundum consuetudinem manerij, per redd. consuetudinem, & seruic. inde prius debit' & consuet'. & dant domino de fine pro ingressu habend dict' mess. & ce-

teris

teris præmissis. &c. & data est eis seisina, & fecerunt fidelitur.

¶ An other fourme for terme of lyfe.

¶ AD hanc cur. &c. venit I. D. & I. vxor eius ipsa sola examinata corā seneschallo, & sursum reddiderunt in manus domini vnum tenementum cum pertiñ in A. iac. inter tenement' I. B. ex parte orient' & tenementum C. D. ex parte occident', & abbuttat super altam viā ex parte australi, & super gardinum E. F. ex patre boriali, ad opus G. H. & I. vxoris eius ad terminum vite eorum & alterius eorum diutius viuentis secundum consuetudinem manerij, & dant dño de fine, &c. & fecerunt fideliter.

¶ An other fourme vpon condicion.

¶ AD hanc cur. &c. venit I. C. & sursum redd' in manus domini vnum cotagium iacens &c. ad opus I. D. &c. tenend. sibi & hæred. suis de domino ad voluntatē domini secundum. &c. sub condicionibus subsequentibus: videlicet si predictus I. D. soluat aut solui faciat prefat' I. C. xl. s. ad fest. videlicet. &c. proximo futuro post data huius curie, ꝙ tunc præsens sursum redd. sit in suo robore & effectu, & si ipse defecerit in solutione solutionū predictur in parte vel in toto, ꝙ ex tunc bene licebit prefat' I. C. & assignā suis reintrare, & rehabere predictum cotagium, ista sursum reddic. non obstante in aliquo, & dat domino de fine, &c. & fecit fidelitatem.

delitatem. &c. & admissus est, &c.

¶ An other maner of surrendre made to the bayly out of the courte.

¶ AD hanc cur. &c. compertū est, q̄ T. C. extra cur. sursum reddidit in manus I. D. balliui in presenc. D. R. & aliorum tenentium domini huius manerij, hos testantevnam acram terre in C. quond. W. B. ad opus X. Z cui dominus inde concessit seisinam tenen̄ sibi & hered. & c. de seruic. &c. & dat. &c.

¶ An other forme, where the lord graunteth a coppe of his speciall graunte.

¶ AD cur. apud D. tent' ibidem tali die & an. &c. preceptū fuit balliuo seisir. in manu domini, vnū ten̄tum siue mess. cū pertin̄ I. B. voc. E. eo q̄ ipse alienauerit, & vendidit dictū ten̄tum cuidā. T. sine licentia dn̄i, & inde respondebit dn̄o de exitibus quousq;. &c. & q̄ in ista eadem cur. dn̄s ex sua gratia speciali concessit dictū ten̄tum cum pertin̄ p̄fato I. B. cui dn̄s inde concessit seisinam habend. sibi & hered. &c. de dn̄o ad voluntatem secundum. &c. & dat. &c. & fecit. &c.

¶ An other maner for terme of yeres, where the lorde shall kepe reparation.

¶ AD hanc cur. dominus per I. F. seneschallū suum cōcessit I. E. vnū messuagium cum domibus superastan-

tibus

tibus & aduersas terras prata pascuas & pasturas cum sepibus fossatis, & omnibus alijs suis pertiñ voc: A habend. & tenend. sibi & assigñ suis a festo sancti Michaelis archangeli proximo futuro post dat huius cur. vsq; ad finem & terminum quadraginta annorum, ex tunc proximo sequentium & plenarie complendorũ. redd. inde ānuatim. xx. s. ad duos anni terminos videlicet &c. per equales portiones. Prouiso semper, ꝙ durante termino predicto, predictus dñs inueniet meremium totiens quotiens necessarium fuerit dicto tenemento ad emendandum reperandum & sustinendum, & dat domino de fine &c. & fecit fidelitatem. &c.

¶ An other maner, where a man pretendeth a title, and after relseth in the courte.

¶ AD hanc cur. tent'. &c. cõpertũ est, ꝙ cum dñs p I.F. seneschallũ suum, ad cur. tent' apud C. tali die & an. cõcessit extra manus dñi A. B. & her' suis vnam peciam t're cõtinentẽ circa tres acras terre siue plus siue min' habeat', quoñ T.C. in A. iacentẽ inter terram P.Q ex parte australi & terram R.S. habend. &c. ad voluntatẽ domini secundum, &c. & postea venit quedam Alicia Bite coram prefato. I.F. seneschallo domini & pretendit habere titulum in predicta pecia terre, & hinc præsens in cur. remisit relaxauit & imperpetuum quietũ clamauit prefato A. B & hered. suis per licẽtiam domini totum ius suum & clameum, quæ habet, vel habuit vel in futur'. habere poterit in p̃dicta pecia terre, & in qualibet inde p̃cella. Ita videlicet quod ipso Alicia

nec

nec hered. sui, nec aliquis alius nomine eorum aliquod ius, vel clameũ in predicta pecia terre de cetero exigere, vel vendicare poterit, scilicet ab actione iuris vel clamei sint exclusi per p̃sentes, & dat dño. &c. & fecit. &c.

¶ An other forme, where the heyre is admitted to his lande, after the death of hys father.

¶ AD hanc cur. tent. &c. compertum est quod I. B. obijt seisitus post vltimam curiam, qui de domino tenuit sibi & hered. suis vnum placeam terr. voc. C. & inde obijt seisitus, & dicunt quod R. B. filius eius, est proximus heres, & plene etatis, vel infra etatẽ vicz. xij. annorum, & custodia T. W. vel S. B. frater eius, vel consanguineus eius est proximus heres eiusdem I. B. & plene eatis, & presens hic in cur. petit admitti, & admissus est inde tenens, tenend. sibi & hered. suis de dño ad voluntatem dñi secundum consuet. &c. & dat. &c. & fecit. &c.

¶ An other forme of landes tayled with a remaynder ouer.

¶ AD hanc cur. compertum est, quod R. B. de A. ad cur. tent. apud E. tali die & anno &c. sursum redd. in manus domini vnum tenementum & tres acras terre voc. C. ad opus R. C. filii eiusdem R. & A. vxoris eius, quibus dominus concessit seisinam, tenend. sibi & he-

red. de corporibus eorum legittime procreat. Et si predictus R. & A. vxor eius sine her. de corporibus eorum legittime procreat obierint, quod tunc predicta terra & tenementa cũ suis pertiñ remaneant rect her. ipsius R. B. Et modo curia ista informaretur per totum homagium, quod predictus R. & A. obierunt, sine herede inter eos procreat & predictus R. B. similit, & super hoc venit I. B. frater & heres predict R. B. & petit admitti, & admissus est tenent. &c. & per licentiam domini prefatus I. B. concessit predictum tenementum & terras, que ei remaneant post mortem predictorum R. B. & R. C. & A. vxoris eius, remanerot W. C. & hered. suis, cui dominus inde concessit seisinam tenend. ad voluntatem dñi secundum &c. & dat. &c. et fecit. &c.

¶ An other maner for terme of lyfe, with diuers remaynders ouer.

¶ AD hanc cur. venit R. B. & surſum reddit in manibus domini vnum messuagium, & octo acras terr. customar. voc. A. vt dominus faciet inde voluntatem suam, & dominus inde habeat seisinam. Et ex gratia sua speciali reconcessit predictum messuagium & terr. prefato R. B. & I. vxori eius durante vita eorum, ita quod post eorum decessum dictum tenementum & terra remaneant B. vxori A. durante vita sua, & post decessũ ipsius B. predict terre & tenementa remaneant rectis hered. ipsius R. B. imperpetuum tenend. eisdem R. B. & I. vxori eius durante tota vita eorum per virgam ad voluntatẽ dñi secundum. &c. in forma predicta,

dicta, saluo iur. cuiuslibet &c. & predicti R. & I. dant dño de fine. &c. & fecerunt fidelitate &c.

¶ A surrender out of the court, and a remainder with a condicion.

¶ AD hanc cur. compertum est, quod R. F. languens in extremis sursum redd. in manibus B. R. extra cur. per manus I. H. in presentia A. C. & B. D. tenent hui⁹ manerij hoc testant vnū messuagium cum pertin. &c. ad opus A. vxor prædict R. F. tenend sibi per seruic. inde debit secundum consuetudinem manerij, pro termino vitę suæ, ita ꝙ post mortē dicte A. predict messuag. remaneat I. filio predict R. & A. & her. de corpore suo legittime procreat. Et si contingat I. obiet. sine her. de corpore suo legittime procreat, quod tunc predict messuagium remañ R. filio predict R. & A. & hered. de corpore suo legittime procreat. Et si contingat predict R. obiere &c. quod tūc predictū messuagium per executores vtriusque eorum diutius viuent vendat, & denarios inde recept & prouenient pro aiabus parent suorum & eorum in pijs vsibus & operibus caritatiuis in missis celebrandis & elemosinis distribuendis, prout melius eis viderint expedir. pro aiabus antecessorum & predecessorum suorum, quibus domin⁹ inde cōcessit seisinam tenend. in forma predict, ad voluntatem domini secundum consuet manerij &, dant dño de fine. &c. & fec. fidelit. Et nota ꝙ si vnus eorū obijt, & heres eius sit infra etatem, fidelitas respectuatur quousq; ad etatem veniat.

¶ A supplication to be exempte from al maner inquestes and iuryes with in the lordeshyppe.

¶ AD hanc cur. venit R. C. instant. supplicando prout ipse per plurima tempora trãsacta supplicauit. Et profert domino finem annualem nomine exemptionis, vt ipse ex sua gratia speciali & fauore ob causam senectutis infirmitatis & debilitatis sue possit exonerare de cetero, ab omnibus & singulis inquisitionibus iuramentis & offic. quoruncunq; tam in hac villa q̃ alibi infra oñium domini sibi obiciend. & assignand. qua propter aspecta vero senectute, vna cum infirmitate & debilitate sua, sub fine annuali nomine exemptionis inde prolate, ac suggestione eius per tenentes & visus q̃ ipsum veracit congrua testificata in premissis, modo dominus concessit in ista curia per I. F. seneschallum suum prefato R. C. huiusmodi licenc. fauorem & exemptionem ad terminum vite suæ durantur. & predict R. C. dat domino de annuali redd. persoluendum annuatim. iiij. d ad terminos vsuales.

¶ AD hanc cur. venit I. S. & dat domino de fine pro secta cur. respectuand. per. i. annum, vt patet.

¶ AD hanc curiam venit I. S. nativus domini huius manerij, & petit licenc. ad maritand. filiam suam infra dominum istud. vel extra. & dominus per W. C. seneschallum suum concessit licenc. & dat. &c.

¶ Memorandum, ỹ there is no maner of estates made of free land by polle dede or dede indented, but like estates maye be made by copy of

copy

copy landes, if they be wel made & entred in the courte roules. And the stewarde is bound by lawe and conscience, to be an indifferente iudge betwene the lorde and his tenantes, & to enter their copies truly in the lordes court roules, the which is a regyster to the lorde, to know his presidence, customes, and seruices, and also a great suretye to the tenauntes, that if theyr copies were losse, they may vouch & resort to ỹ lordes court roules, & the steward maye make them newe copies, accordyng to the olde president in ỹ lordes court rolle, like as at the commō lawe, whan a matter in variaunce betwene two mē is past by verdicte, and iudgement gyuen therof, and entred in the kinges recordes, there it resteth of record, & also yf a dede or a patent be enrolled, there it remaineth of recorde in like maner, so that yf any partie will haue any copy therof, they may sue to the iudges and the officers of the place where ỹ recorde lyeth, and haue a copy therof exemplified vnder the seale of office of the same place, where such recorde lieth, and may pleade ỹ same recorde in euery court the kynge hathe, and the lordes steward maye do in lyke maner. &c.

¶ The othe of all maner of officers generally.

¶ To whom the stewarde shal say, lay thy

hand vpon the boke and say after me, I shal trewe constable be, trewe thirdborowe, true seus, true frank plege, true tythyngmã, true ale taster, trewe woodewarde, and true pynder, with such other officers, that be vsed to be sworne in the lordes courte, & trewe presentement make, and truely and dooely do and kepe all thynges that belongeth to myne office to do, so helpe me god and my holydome, and kysse the booke.

¶ The othe of a denisen.

¶ I shall true liege man be, and true fayth beare to kynge Henry, that nowe is, and to his heyres, and no treason do, nor there vnto assent, nor no thefte do, nor no thynes fellow be, nor any of them to knowe: But that I shall enforme & doe to wyte them that be the kinges officers therof, that haue the lawe to gouerne, and I shal be buxome and obedient to iustyces, commissioners, sheryfes, exchesoures, baylyes, and constables, and to all other officers of the kinges, in al thynges that they commaunde me to do lawfully, so helpe me god and holydome.

¶ The othe of afterburs.

¶ I shall truely affere this courte, and hyghe no

no man for no hate, ne lowe no man for no loue, but to set euery mā truly after the quātitie of his trespasse to my knowledge, saing to a gentilman his countinaunce & his housholde, a marchaunt his marchandyse, a husbande his tenure and his werke beastis to his ploughe, so helpe me god and my holydome.

¶ This article gothe farther. Et quantum reddant per annū de redditu assise. And howe muche they yelde by the yere of rente of assyse. And first ye shall know, that there be thre maner of rentes, that is to saye, rente seruice, rente charge, and rent secke. Rent seruice is where a man holdeth his lande of his lorde by lealtie and certaine rente, or by homage, lealtie, and certayne rent, or by any other seruice & certayne rent. This is a rent seruice, and yf the rent be behinde at any day that it ought to be payd at, the lord may distrayne for that rent of cōmen right, and if the lorde purchase parcell of the sayde lande, that the rent gothe out of, the rent shalbe apporcioned: except it be an entyere rent, as a sperhauke, or a horse, or such other, that cannot be seuered, for than the rent is extinct and gone for euer. &c. Rent charge is where a man is sealed of landes in fee, & grāteth by pole dede, or by dede indēted an annuell rent goyng out of the same landes in fee or in fee tayle, or for terme of lyfe with

a clause of distres: that is a rent charge, and the graunte may distraine for the same rent, bycause of the clause of distresse. But if the graunte purchase parcel of the sayed landes, wherof the saied rent goeth out, the hole rent charge is extinct and gone for euer. For suche a rent charge maie not be apporcyoned, bycause the landes come to hys owne possession by his owne actor dede. Rent secke, is where a mā sealed of landes in fee, graunteth a rent goynge out of the same wythout a clause of distresse: that is a rent secke, and is called a rent secke, bicause there is no distresse inſidēt nor belongyng to the same. Also yf a man by dede indented make a feoffement in fee or in fee tayle, the remaynder ouer in fee or for terme of life remainer ouer in fee, reseruing to hym certaine rente without any clause of distresse in the same, that is a rent secke, and if the grauntee were neuer sealed of the sayd rente, he is without remaynder by course of the comon lawe. There is another maner of rent: that is nother rent seruice, rent charge, nor rent secke, & that is called rent annuell. And that is, where as a man graūteth by his dede, an annuity of xx s. be it more or lesse, & chargeth no lande with the payment of the same. That is a rent annuell, and it chargeth the person that graunteth the sayd rent by a writte of annuitie, and in some cause a rente

charge

charge maye become an annuel rent, as and a man graunt a rent charge out of his lande with a clause of distresse, the grauntee is at libertee, whether he wil distreine for the rēt, or sewe a wrytte of Annuitie agaynst the graunter. And if he sewe his writte of annuitie, the lāde is discharged of any distresse, and therfore the graūtour may make a prouision in his graunte. S. prouiso semper, quod præsens scriptum, nec aliquid in eo specificatum, non aliqualiter se extendat ad onerandum personam meā per breue, vel actionem de annuitate, sed tantummodo ad onerandum terras & tenementa predicta de annuali redditu predicto. And this prouisse had, the lādes be charged, and the person discharged.

¶ Of those free tenauntes that sewe to the courte of the countie, and who sweth nat, and howe muche falleth to the lorde after the decesse of suche tenauntes. Cap. xii.

¶ ITEM inquirendū est de predictis libere tenentibus, & qui sequuntur ad cur, ad cōm in comitatu, & qui non. & quantum accidit domino post mortem talium liberorum tenentium. It is to be inquired of the forsaide free tenauntes, whiche of theym shall folowe the court of the countie, and whiche nat, and what shall fall vnto the lorde, after the death of suche free tenantes. Me semeth that all maner such tenauntes

that holde theyr lande by suche seruice, hauing charter lande, ought to folow the court of the countie, if he be summoned to appere, except he haue a speciall graunt by chartour of the kyng to the contrary, & to be sworne in inquires before the iustice of peace, iustice of assyse, excheters, coroners, and all other commissioners of the kinges, & betwene partie & partie as the lawe hath ordeyned it, how be it in some case he shall dispende & haue more landes than in some case, that is to say, if the domage in plee personell, as dette, trespas, detinue and such other, be declared vnder the value of. xl. m̄kes, than a freholder that hath any charter lande, be it more or lesse, maye passe betwene partie & partie. And also he is sufficiēt to enquere for the kyng in euery bill of inditement of felony, & so is euery constable and freman, though he haue no land. But there shal no constable nor freholder enquere of riot nor forcible entrees, with out he may dispend xl. s. clerely. And therfore see the statute of king Richard the. ii. & king H. the. vii. And also wher̄ the domages in plee parsonel be declared. xl. markes or aboue, ẏ freholder muste haue landes to the clere value of. xl. s. And euery man that shal passe of life & death and for titell of lande, be it neuer so littell, he must haue landes to the value of. xl. s. clerely aboue al charges. And it atteinte, if the thing

in

in demaunde and verdicte vppon that gyue, extende to the value of .xl.li. or above: Than euery man of the graunde iury, muste haue landes to the value of xx.li of freholde, out of auncient demeyne, & of landes in Gauelkinde xx.li. and if it be vnder the value of xl li. than xl.s of frehold is sufficient. The statute reherseth further. Quid & quantum accidit domino post mortem talium libere tenentium. What and howe muche falleth to the lorde, after the death of such fre tenãtes, That is and may be, diuers maners of rentes, customes, and seruices: As if a tenaunt holde of the lorde by knight seruice & deceasse, his heyre beyng of full age, the lorde shall haue for euery knightes fee that the tenaunt holdeth of the lorde. L.s. of his heyre in the name of releke. For the whyche the lorde maye distraine in euery parcell of that lande, that is so holden of hym for the same of common righte And yf it be vnder a hole knightes fee, as halfe a knightes fee, the thyrde parte, the fourth parte, or the .xx. parte more or lesse: the releke shalbe appoyncyonate, accordyng to the same, and shal pay his chiefe rentes (if any be) neuerthelesse. And yf the tenaunt deceasse, his heyre beyng with in age of xxi yeres, the lorde shall haue the warde & the keppyng of the body durynge his nonage, and if he be vnmaried, than his mariage to giue or sell to whom he will, without disparagement,

gement, and whan he cometh to full age, he shall paye no relefe, and if he be maryed, and vnder the age of .xiiii. yeres, he may refuse & disagre, but how the garden or his commyt or graunte shall tende. and offre mariage to the warde, and if the warde refuse the offre, or if the warde bee rauisshed, and of wardes bicause of wardes, and of dispargementes of wardes, and disagrementes after mariage, & of waste done by the garden, or hys cõmytte or graunt, with mo articles pertaynynge to the same. I remitte all those poyntes to men of lawe, that haue knowlage and experience therof, for it toucheth not my matter that I treate of. And if the tenãt haue issue female, aboue the age of .xiiii. yere, be she maried or nat maried. the lord shal nat haue the warde ne the mariage, bycause the lawe entendeth, that she hath a husband, or may haue at that age, able to do suche seruice. But if the heyre female be vnder ỹ age of. xiiii. yeres vnmaried, the lord shall haue both the landes holde of him & the mariage, til she come to thage of xiiii. yeres, & two yeres further to tende her mariage in, if she be vnmaried. And at the ii. yeres ende, she maye enter into her landes, and put out her garden, & to marye her selfe at her plesure, but if she be maried before the age of .xiiii. yeres in the life of her auncester, and than her ancester dye, the lord shall haue

the

the warde of the lade to the age of.xiiii. yeres and than her husbande and she may enter & put out the lorde, and if the tenant holde of two lordes by knight seruice, of one priorite, & of an other by posteriorite, and dye: the lorde, that the tenant holdeth of by priorite, shall haue the warde of the body, be it heyre male, or heyre female, though there be iii. or iiii. doughters, for all they are but one heyre to the landes, that be holden of hym. And the other lord, of whome the landes be holden of by posteriorite, shall haue those landes holdē of him selfe, & nothyng els. And if the tenant holde landes of one lorde by knight seruice, & also holde landes of an other lorde by socage and dye (his heyres beynge within age) the lorde of whome the landes be holden of by knight seruice, shal haue the warde and mariage of the heyre, & the landes holdē of him, but he shal nat haue the landes holden in socage, nor the lorde of whome they be holden of, nother. For those landes holden in socage duryng the nonage, shall goe to the nexte of the bloud, to whome the inheritaunce may nat descende, wherof he shal make accompte vnto the heire whan he cometh to ful age &c. And yf the heyre be of ful age at the decesse of his auncestre, he shall paye a releke to euery lorde that he holdeth any lande of, if releke be due to be payed, by reason of his tenure. But

in case that a tenaunt holde diuers manours of diuers lordes by knight seruyce, and haue but one parcell of lande holden of the kynge in capite, the kyng shal haue all the hole landes holden of euery lorde durying the nonage: & the mariage of the heyre, if he be vnmaryed, and yf the heyre be vnder the age of.xiiii. yere, and wyll disagre to the maryage, than the kynge shall haue the maryage of hym or her, or the value thereof, and the kynge shall paye no chefe rent during the nonage, except it be founde due to be payed in the office of therchetour, and many other thynges maye fall to the lordes, as herryottes, and other customes accordyng to theyr ozyginall deedes, and vse of the manour. And ye shall vnderstand, that there be two maner of herriottes, that is to wytte, herriotte seruyce and herryot custome. Herryotte seruyce, is where a man hath gyuen landes and tenementes to a nother man and to hys heyres, to holde of hym and of his heyres, as before the makyng of the statute, Quia emptores terrarum, or sythe the makynge of the sayde statute, to holde of the chiefe lorde of the fee, by the seruyce therof due and of ryght accustomed, reseruynge to hym certayne rentes, herryottes, or any other custome: This is rente seruice and herryot seruice, bicause it is expressed in his ozyginall dede. Herriot custome, is where a mā

hath

hath a lordeshyp, wherin hath ben vsed tyme out of minde, that euery tenant, that holdeth any mese place of the lorde, shal gyue his best quicke good in the name of an herryot to the lord, & he that hath no quicke good, shal gyue his best dead good. And in some place the tenaunt shal gyue for euery mese places that he holdeth a herryotte, thoughe the house were let downe an hundred yere before, the which me semeth shuld be a great bribery & extorcō as I sayde in the prologue of this treatyse. And therfore, it is wisedome for euery mā to take his house by indēture or by copy, wherin may be expressed, what rentes, herryottes, customes, and seruices the tenaunt shal pay, and do, for a lorde may abrydge & make lesse his custome by writing, but though he make writyng, and specifie what rent he shal pay, he must say further, for al maner rentes, herryottes, customes and seruices. And in some lordeshyp, euery man that dyeth within the same, be he the lordes tenant or nat, shal pay an herryotte In so much that yf a straunge man ryde or go by the waye, and die within such a lordshyppe, he shal pay an herryot, the whiche is playne extortion and agaynst the commen right. For betwene the lorde & hym that died was no maner of preuitye of bargayne or couenaunt. And in some lordshippe, the lorde shall take his herryotte before the

person

person or the viccar his mortuary, & in some places the churche before. And that is, as it hath ben accustomed and vsed time oute of minde. But for the most part the lord taketh before, bycause the lorde maketh couenaunt with his tenaut in his lyfe, that he shal haue his best quicke good at his decesse, and the mortuary is nat due tyll he be deed, and the herryotte was couenaunted & graunted before in his lyfe, and the firste bargayne must be obserued & kepte. And also in some places it is parted betwene the churche & the lorde, & that is, where he that is dead hath no more quicke good, but one horse or one beast, and than he that hath be vsed to chose fyrste, shall haue the better parte by one peny, but of deed good, eyther party shall haue one. But there shall nother of them take any deed good, as longe as there is any quicke goodes, and in many lordshippes, it is vsed, that and the tenant leaue his house by his owne will, without any discharge of the lorde, the tenaunte shal pay his beste quicke good to the lorde in the name of an herryot, & in some lordships it is accustomed, that if the tenaunt departe fro the lordeshyppe by his owne will, he shal make a fine with the lorde for his departing, and most cõmonly it is .ii.s. and it is called a farefee or a fareweli And such a tenant that gothe at his owne will, shall make al maner

of

of reparacions, and that tenaunt that is discharged by the lorde or by his officers, shall make no reparatiõs, except he be discharged for not doyng reparations. &c.

¶ How many customary tenantes there be, and how muche landes euery of theym holdeth, and what worckes & customes they doo, and what the worckes & the customes of euery tenaũt is worth by the yere, & how much euery of them payeth, ouer the customes and warkes. &c. Cap. xiii.

¶ ITEM inquirend. est de customarijs videlicet quod sunt customarij, & quant terre quilibet customarius teneat, quas operaciones, & quas consuetudines facit, & quantum valent opera & consuetudines cuiuslibet customarij per se per annum, & quantum redditum de reddi tu assise per annñ preter opa & consuetudines, & qui possunt taliari ad voluntatem dñi, etq nõ. It is to be enquered of customary tenantes, that is to witte, how many there be, & howe much lande euery tenaũt holdeth, and what werkes & customes he doth, & what ẏ werkes & customes be worth of euery tenãt by it self, and how muche rent by the yere, aboue hys werkes and customes, he doth pay, & whiche of them may tare theyr landes at the will of the lorde, & whych nat. Customarie tenaũtes are those ẏ hold theyr landes of theyr lorde by

copye of courte role, after the custome of the manour. And there may be many tenauntes within the same maner, that haue no copies and yet holde by lyke custome and seruice at the will of the lorde. And in myne opinion it began sone after the conquest, whan Willia conquerour had conquered the realme, he rewarded all those that came with him in his viage royall, accordyng to theyr degree. And to honorable men he gaue lordeshyppes, maners, landes, and tenements, with all the inhabitauntes, men and women dwellyng in the same, to do with them at theyr pleasure. And those honorable men thought, that they must nedes haue seruants and tenantes, and theyr landes occupied with tillage, wherefore they pardoned the inhabitantes of theyr liues, and caused them to do al maner of seruice, that was to be done, were it neuer soo vile, and caused them to occupie theyr landes & tenementes in tillage, & toke of them suche rents, customes & seruices, as it pleased them to haue. And also toke all theyr goodes & cattel at al times at ther pleasure, & called them theyr bondmen & sithe that time many noble men both spirituall & temporal, of theyr godly disposition, haue made, to diuers of ỹ sayd bondmē manumissiōs, & grāted them fredom & libertie, & set to them their lādes & tenementes to occupie, after diuers maner of rentes,

customes,

tuſtomes, and ſeruices, the which is vſed in dyuers places vnto this daye, Howe be it in ſome places the bondmen continue as yette, the which me ſemeth is the greateſt inconue nience that now is ſuffred by the law. That is, to haue any chriſten man bounden to an other, & to haue the rule of his body, landes, and goodes, that his wife, children, and ſer= uantes haue laboured for, all theyr life time, to be ſo taken, lyke as and it were extoztion oz bzybery. And many times by colour therof there be many freemen taken as bondmen, and theyr lãdes and goodes taken fro them, ſo that they ſhall nat be able to ſue foz reme- dy, to pzoue them ſelfe free of blood And that is moſt commenly where the free man haue the ſame name as the bondmen haue, oz that his auncetters, of whom he is commen, was manumyſed before his byzthe. In ſuche caſe there can nat be to great a puniſhment. Foz as me ſemeth, there ſhuld no man be bounde but to God, & to his Kinge and Pzynce ouer him. Quia deus non facit exceptionem perſonarum. Foz God maketh no exception of any perſon wherfoze it were a cherytable deede to euery noble man both ſpirituall and tempozall, to doo as he wouldc be done by, and that is to manumiſe them that be bonde, and to make them free of body & bloud, reſeruyng to them theyr rentes, cuſtomes, and ſeruyces of olde

time due & accustomed, wherin they may get the prayers of the partie, and remission of theyr offences, as in the gospell: Eadem mensura, qua mensi fuerit is, metietur vobis. The same measure that ye do mete to other men, shall be metten to you. In many lordshipes there is a customary roole betwene the lorde and his tenauntes, and it ought to be indented, one parte to remayne in the lordes kepinge, the other parte with the tenauntes, and diuers true copies to be made of the same, that the rentes and customes runne not out of remembraunce. And also a suite rolle, to cal all those by name, that oweth any suite to the lordes courte, and than shall there be no concelemẽt of the sutours, but that the stewarde may know, who is nat there and if any sutour decesse, the name of his next heyre wold be entred in to the same rolle, and an inquery made and presented, what he helde of the lorde, and by what rentes, customes, and seruice of euery parcel by it selfe, and who is his next heyre, and of what age he is of, and this truely done & entred in to the rolle, it woulde be a conueyaũce of discent in maner of a petie degree, and profitable to the lordes, and also the tenauntes, causa patet. The name of euery tenaunt must be put in the rolle, and his mese place to be butted and bounded, as it lieth in length and brede, and betwene whome,

whome, And also his landes, medowes, leys, and pastures likewise butted and bounded; that it maye be knowen many yeres after, who dwelled there: and what landes, medowes, and pastures lay on the same at that time. And what warkes and customes the tenaunt dothe for euery parcell, & what the warkes and customes be worthe in a yere, & how much rente the tenaunte dothe pay for euery parcell, beside the customes & warkes, to the entent, that if any parcelle of lande, medow, or pasture be alyened, solde or chaũged, or put from one tenaunt to another, the lorde and his bayly may know what rents, customes, and werkes, he shal aske and haue of the occupier for euery parcell. And it is the most special poynt that longeth to a surueyour, to butte and bounde truly euery parcell by it selfe, & to knowe what rentes, werkes, customes, and seruices, goeth out of the same for than may he make a true rentall or customary rolle, and put all thynges in a certette.

¶ Of cotiers what cotages and curtylages they holde, and by what seruice, and how muche rent they paye by the yere. &c. Cap. xiiii.

¶ ITEM inquirend. est, de cotagellis, quæ cotagia & curtilagia teneãt, & per quod seruic. & quantũ reddãt per annum, pro prædictur cotagijs & curtilagijs.

Also it is to be enquered of Cotagers, what cotages and curtilages they holde, and by what seruice: & what they yelde by the yere, for the forsaid cotages and curtilages. This chap & the next præsidēt, be both of one effect, but that is to presume, that there is nat so much rentes, herriottes, customes, & seruices to be payde and done for a cotage, as there is for a mese place or a better tenement, but it may be like custome and seruice.

¶ Of perquesites or profites of countyes, of courtes, and of forestes, what they be worthe by the yere. &c. Cap xv.

¶ ITEM inquirendū est de perquisitis comitatuum, cur. forestariorum, cum expeditamentis canum, & quantum valent per annum in omnibus exitibus.

Also it is to be inquered, of the perquesites and profites of the counties, of the courtes, & of the forestes, with the cuttinge of the dogges cleyse, and how muche they be worth by the yere in all the issues and profittes. This chappter toucheth nat the office of a Surueyour but littell, for the issues and profytes of the countyes, sessyons, and assyses, are most commonly the kinges, and thei be kept & ordeyned by the shyrysse and the Justices of peace, that be ordeyned and put in commyssion by the kynge and his counsaile, and

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the issues and profites of them are extreyted by the sayde iustices, and retourned in to the kinges escheker, and there they rest of record the whyche afterwarde is extryted agayne, and send downe to the shyrffes of euery cōtie, to leuy and gather vp the same, & there of to make an accoumpt in the sayd escheker, & it is called Greene ware. And the courtes of the forestes be ordeyned & kepte by the iustices of the forestes and theyr deputies, & the issues and profites therof, the whiche cometh most commonly by fines & mercimentes, are nat extreted in the escheker, but made out by the stewarde to the baylyes, and other officers of them that oweth the forest. And there me semeth the Surueyour maye sit with the iustices of the forestis for one thing specially, and that is this, that no townshippe nor hamell enter cōmen within the forestes, chases, wastes, hethes, moores, and such other great commens, but all onely suche, that of ryghte ought to haue cōmon within the same, wherfore it would be ordeined, that euery townshyppe and hamell, that oughte to haue any such commen in any forestes, chases, wastes, moores, heythes, and suche other great commens, where diuers townshyppes and hamels enter commen togyther, euery townshippe and hamell oughte to haue a diuers brennynge yron, and euerye beaste, horse,

mare and colte, that is put vppon the cõmen ought to be brenned in some part of his body with the sayde yron. & than shall euery beast be knowen, of what townshippe he is, And that were a great redines to the kepers, and also a great sauegarde for stealing of the cattell. And than maye the keepers, regarders, goysters, and other officers of suche forestes and chases, haue perfite knowledge, what townesshyppe the cattell is of. And yf any of these sayd officers finde any maner of cattel, hauyng no such brennyng, they may attache them and seyse them as strayes, & put them in sauegarde to the lordes vse, till they be yered and dyed. And they ought to aske theym three sondaies in three or foure nexte parishe churches, and also crie them three times in thre the nexte market townes. And if no mã come with in the yere and the daye, and to make sufficient proffe that the cattell is his, than it is forfayte to the lorde as a strey, and in like maner the swyne and sheepe of euery townshyp & hamell, ought to be pitched with the sayd brenning yron, or such an other like the same, but as for all other pointes and articles touchyng the forestes, the Surueyour hath littel to do, wherfore I remitte al other articles to the Iustices of the forestes and to theyr deputies to execute theyr office, and ye shall know that no man shall haue a forest

of

of right but the kyng, excepte he and his anceſters haue had a ſpeciall graunt thereof by charture of the kynge and his progenitours in times paſte, and ſo vſed. &c.

¶ Of churches that belonge to the gifte of the lorde, how many there be, and where they be, and what euery churche is worthe. &c. Cap. xvi.

ITÆM inquirend. eſt de eccleſijs, quæ pertinent ad donationem domini, quod ſunt, & vbi & quantum valent, & quantum quelibet eccleſia valet per ſe per annum, ſecundum veram eſtimationem illius. It is to be enquered of all the churches that be longe to the lordes gifte, howe many there be, and where they be, and what they be worth, and what euery churche is worthe by it ſelfe by the yere after the trus eſtimatiõ of the ſame. The letter of this chapiter is very playne, & nedeth nat moche declaration further than is ſpoken of, but al onely in one thynge, and that it is this oft times he that hath right to preſent to a churche at one time, hath not righte to preſent to the ſayde churche at the next time. And that is where any ſole patrone of a churche hath iſſue, two, three or foure doughters, & deceſſeth, ſo that the right of patronage of the ſayde churche diſcendeth to all the ſayde doughters, whan the church

is voyde, they shall presente by turne, the eldest doughter firste: than the seconde at the next auoydaunce, than the thirde, & so forth, till they haue presented ones ouer, and than to begin againe at the eldest doughter, except they make any other partition amonge theselfe by agreement. And than must euery one of them present by theyr turne accordyng to theyr partition, as it commeth about. And so must the Surueyour make his booke, accordyng to the right of the presentacion, as euery tyme, seconde tyme, thirde tyme, or fourth tyme, and so forth. Also what lordes or gentilmen haue theyr turneys with theym in the same benefice, and which of them presented laste, and who shall haue nexte, and who than, till they haue gone about, and in what towne it is, and in what shyre and dioceese it is, and what euery benifice is worthe by itselfe by the yere, as it can be estimate.

¶ What the heryottes be worth, the fayres, escheates, customes, seruyces, and forreyne warkes: the plees & perquesites of the courtes, fines, releses, and al other thynges that may fall to the lorde by the yere.

Cap. xvii.

¶ ITEM inquirend. est quantum valent herriotta, nun-

sundine, escaeta, consuetudines servic. & operationes forinsice, & quantum valent placita & perquesita, fines & releuia & omnia alia quæ accidere possunt per annum in omnibus.

¶ It is to be enquired, what is the value of herriottes, kayzes, erchetes, customes, seruyces, and forreyn warkes, and what the plees be wooythe, and the perquisites or profites of the courtes, fines, releses, and all other thinges ỹ may fal by the yere in al. This chapter goth in generalitee, and is lyke, as whan an auditour hath casse al the mynister and particular accomptes of euery bayly or reue and other accomptaunce, and hath made his boke perfite of all the particular, where vpon the holle charge resteth: Than whan the lorde would know what thertent is of all his hole landes, and also of euery particular parcell by it selfe, it were to longe a processe to shew him al the sayde ministter and particular accomptes, and though he dyd, he shoulde not know the grosse summes of his rentes, fines, herriottes, erchetes, perquesytes, and suche other, euery of them by him self, wherfore he wil cause his auditor to make a value in maner of a bredgement of all the saide ministre accomptes, and first to know the hole charge of al the particulars, what they be at ỹ firste sight, in the summes totall. Than to deuyde the summes totall in dyuers parcels, as the

chiefe

chiefe rentes of the freeholders by them selfe, the rentes of the customary tenauntes by thē selfe, tenauntes by indenture, or tenants, at the lordes will by them selfe, so that he maye make a grose summe of euery maner of rēt, so ẏ one rente may be knowen frō an other. But than muste the auditour haue good and perfite informacion, or els he can nat doo it, and that informacion must come by the surueyour and the baylyes, for they oughte to know one maner of rent from an other, and therfore theyr rentalles wold be made accordinge, also the perquesites of the courtes by them selfe. And those must be in lyke maner deuyded, as the plees by them selfe, the mercementes for commen trespace by them selfe, fines by them selfe, herryottes by them selfe, exchetis by them selfe, & so of reliefes, feyres, markettes, and all other casualties, euery of them by them selfe, and ought to be presented in the courte by them selfe. And thereof to be made an estreyt to ẏ bayly or reue to gather by, and brought into the accompte to the auditour, the which he may deuide in makyng of his value, if the accomptaunte bryng him perfite rentals and court rolles, and nat els. But if they do not at the first time, he muste teache & enforme them how they shuld make them perfite. Also customes, seruices, & warkes be oft tyme doone by bodily seruice and

warkes,

warkes, and than they be not to be accõpted for, but yet mencion woulde be made in the accõpte therof. And many times such maner of customes, seruices, and warkes be turned into money: And than it cõmonly goth with the rents, & the bayly or reue is charged therwith: And this chapiter rehersed further. Et omnia alia quæ accidere possint per annum in omnibus And of all other thinges, that may fall to the lorde, what they be worthe by the yere. And those may be taken as mynes of tynne, lead, ore, cole, yrõ, stone, freestone, milne stones, gryndel stones, lyme stones, chalke, fullers erth, sande, cley, grauel, brome, gorse, or fyrs, marle, turues, thornes, wodde, busshes, heyth, ferne, or braken, & suche other, if there be any newe founde, and ought to be put in a rentall to a certentie, or els to be put in accompte by the waye of approuement. And than the auditour may deuide the casualties from the certenties, and to make a grosse summe of them all. And yet may the value of euery thynge appeare and be knowen howe much it is by it selfe. And than must there be deduct out of the sayde grosse summe al maner of out rentes and ordinary charges, as baylyes fees, reparation, and such other, and than to make a clere grose summe of euery yere by hym selfe. And bycause ofte tymes more casualties fall or come to the lord more

in

in one yere than in an nother, therefore it is conuenient, that the clere grosse summes of fiue or sixe yeres, or mo, would be caste togyther in one grosse some, & to deuide that some in as many partes as there was yeres caste togither, and than the clere value of one yere will be commonly about that summe so deuided. And thus endeth the breke declaration of this statute. Extenta manerij.

Explicit.

¶ Of diuers maners of takynge and doynge of homage and fealtie. Cap. xviii.

IN so much I haue shewed diuers diuersities of tenurs and also diuers maners of makynge of copies, and the othes of the officers of the courte, though they be nat expressed in the statute, me semeth also it were conuenient, to shewe the diuersities and maner of takyng and doyng of homage and fealtie. And ye shall vnderstande, that homage is the moste honorable seruice, and the most humble seruice of reuerence, that a free man maye doo to his lorde. For whan the tenant shall do homage to his chiefe

chiefe lord, of whom he holdeth his chefe maner or mancion place, by knight seruice, and prioritie, he shall be vngyrde, and his head vncouered, and the lorde shall sitte, and the tenaunt shall kneele before hym on bothe his knees, and shall holde his handes stretched out togyther betwene the lordes handes, and shal saye thus. I become your man from this day forwarde, of life and of membre, and of worldly honour. And to you shall be faithfull and lowely, and shall beare faithe to you, for the landes and tenementes, the whiche I holde of you, sauyng the faith that I owe to our soueraygne lord the kinge, and my other lordes. And the lord so sittinge shall kysse his tenaunt, the whiche is a signe of perfite loue. And why saithe the tenaunt, of lyfe and of membre, and of all worldly honour: Bicause he holdeth his landes of his lorde by knight seruice, and also by prioritie, for and he holde other landes of an other lorde by knight seruice and posteriorite, he shall not say to him of life and of membre, for though he be bonde to hym by reason of his tenures of knightes seruice, to goe to battayle with his lorde, and to putte hys lyfe and members in ieopardye wyth hys lorde, yet canne he nat goo with them bothe. And therefore shall he goe to battayle with that lorde that he holdeth his landes of by prioritie. And bicause therof, if any

such tenant dye, his heyre beyng within age, the lorde shall haue the keppynge of his body, and the profite of those landes that be holden of him, duryng the nonage, and also the mariage of him, wherfore it is to be presupposed that the lorde will be more louynge & kinde to hym, than any other of his frendes would be. Seyng than whan he cometh to full age, he shal put his life in ieoperdye for his lorde, the which bindeth the lorde by reason the rather to doo for hym, whan he is not able to helpe hym selfe. where as his frendes mayse fortune, cared not for him, and had leauer an other had the lande than he.

¶ And if an abbot or a pryour, or any other man or woman of religiō wolde do homage, they shall say, I become your man. &c. bicause they be al onely professed to god, to be his men and women, and to none other. And therfore they shal knele and hold theyr handes as the other did, and say thus, I do to you homage, & to you shall be faithfull and lowely, for the landes and tenementes, the which I holde of you, sauyng the faithe that I owe to our soueraine lorde the kynge. &c.

¶ And if a woman sole shoulde do homage, she shall nat say, I become your woman: for it is nat conuenient, that a woman should become woman to an other man, than to her husbande, whan she is maried. And therfore

she

the shal say as the religious men and Women do: I do to you homage. &c

¶ And if a woman couert with baron shall do homage, they shal knele before the lord both, & the lord shal take both their hãdes bitwene his handes, and the husbande shal speake all the woordes, as thus, We do to you homage, and faith to you we shal beare for the landes that we holde of you, sauynge the fayth that we owe to our souerayne lord the kyng his heyres and to our other lordes, and they both shall kysse the lorde &c.

¶ And in case a man should do homage to his lorde, and the lorde graunte his homage and seruice to an other man. Now shall the tenant doo his homage and seruice to the graunttee, after this maner: I become your manne fro this daye forthe and to you shall be faythfull and lowely, for the landes and tenementes that I holde of A B your graunttour, in the townes of C. D. the whiche to you he hathe graunted my homage and seruice in the said townes, sauynge the fayth that I owe to our souerayne lorde the kyng, and my other lordes, &c.

¶ And knowe you, that one lorde may haue done to him diuers homages of diuers tenãts for one maner of lande. But one tenant shall doo but one homage for one maner of lande, for thoughe the lorde dye, his heyre or

such tenant dye, his heyre beyng within age, the lorde shall haue the keppynge of his body, and the profite of those landes that be holden of him, duryng the nonage, and also the mariage of him, wherfore it is to be presupposed that the lorde will be more louynge & kinde to hym, than any other of his frendes would be. Seyng than whan he cometh to full age, he shal put his life in ieoperdye for his lorde, the which bindeth the lorde by reason the rather to doo for hym, whan he is not able to helpe hym selfe. where as his frendes maye fortune, cared not for him, and had leauer an other had the lande than he.

¶ And if an abbot or a pryour, or any other man or woman of religiō wolde do homage, they shall say, I become your man. &c. bicause they be al onely professed to god, to be his men and women, and to none other. And therfore they shal knele and hold theyr handes as the other did, and say thus, I do to you homage, & to you shall be faithfull and lowely, for the landes and tenementes, the which I holde of you, sauyng the faithe that I owe to our soueraygne lorde the kynge. &c.

¶ And if a woman sole shoulde do homage, she shall nat say, I become your woman: for it is nat conuenient, that a woman should become woman to an other man, than to her husbande, whan she is maried. And therfore

she

she shal say as the religious men and wome do: I do to you homage. &c.

¶ And if a woman couert with baron shall do homage, they shal knele before the lord both, & the lord shal take both their hãdes betwene his handes, and the husbande shal speake all the woordes, as thus, we do to you homage, and faith to you we shal beare for the landes that we holde of you, sauynge the fayth that we owe to our souerayne lord the kyng his heyres and to our other lordes, and they both shall kysse the lorde &c.

¶ And in case a man shuld do homage to his lorde, and the lorde graunte his homage and seruice to an other man. Now shall the tenant doo his homage and seruice to the grauntee, after this maner: I become your manne fro this daye forthe, and to you shall be faythfull and lowely, for the landes and tenementes that I helde of A B your grauntour, in the townes of C. D. the whiche to you he hathe graunted my homage and seruice in the said townes, sauynge the faythe that I owe to our souerayne lorde the kyng, and my other lordes, &c.

¶ And knowe you, that one lorde may haue done to him dyuers homages of dyuers tenãts for one maner of lande. But one tenant shall doo but ones homage for one maner of lande, for thoughe the lorde dye, his heyre or

his assigne, if he sell it or graut it away, they do represent the lordes estate. But and the tenaunt haue done his homage to his lorde, and after the maner wherof the tenaunt holdeth his landes is recouered agaynste the lorde. Now shal the tenant do his homage agayne to hym that recouered the maner, for he commeth nat in by the lorde, but by force of the recouere, the whiche proueth the first homage to be voyde, for it was done to hym that had no right to take it. &c.

¶ Also ye shall knowe, that a man maye distrayne his tenauntes catell for homage by course of the cõmen lawe, and also for relese. And though a man haue payde his relese yet he shall do homage and feaultie. Also ye shall vnderstande, that no man shall do homage, but he that hath a state of inheritance in fee simple or in fee tayle, in his owne right or in his wifes, for tenantes, for terme of lyfe, tenantes by the curtesie, nor tenant in dower, shall do no homage, nor take no homage &c.

¶ And if a man holde landes of the kinge in chiefe, & haue issue three or foure doughters and dye, al the doughters shall do homage to the kynge. And if the landes be holden of an other lord, ỹ eldest doughter shall do homage for all, and also the seruyces, and the other doughters shalbe contributories, and beare euery one of them theyr porcion of the same.

¶ And

¶ And whan a free man shall do fealtie to his lorde, he shal lay his hand vpon the boke, and shall say thus, here you my lorde that I, w D de E. fro this day forth, to you shall be faythful and lowly, & fayth to you shal beare for the landes and tenementes that I claime to holde of you, and loyally shall do and paye the rentes, customes, & seruices, that I ought to do at the termes assigned, as god me helpe and al saynctes, and than kysse the boke.

¶ Whā a villaine shall do fealtie to his lord, he shal laye his hande vpon the boke and say thus. Here you my lord R. that I, w de E. fro this day forth to you shalbe faithful & lowly, and to you shal do al the customes and seruites, that I ought to do to you, for the landes that I holde of you in villenage, and I shall be iustifiable of bodye and of goodes, as god me helpe and his sainctes, and than kysse &c.

¶ Whan a vilaine that holdeth no landes of the lorde shal do fealtie, he shal lay his hande vpon the boke, & say thus. Here you my lorde S. that I, w. B. fro this daye forthe, to you shal be faythfull and lowly and I shal be iustifiable to you of bodye and of goodes, as god me helpe and his saincte, and kysse the boke. &c.

¶ What a surueyour should do.

Cap. xix.

NOw this statute is briefely declared, it would be vnderstande, how a lordship or a maner shuld be surueied & vewed, butted & bounded on euery parte, that it may be knowē for euer, whose euery parcell therof was, at the makyng of this boke, & it may serue as well to saue the inheritaunce of the lordes, as of euery freeholder by charter, copie holder, and customary holder, & to know euery mans lāde, as it lieth to his house one from an other, so that it maye be knowen an hundred yeres after, & for euer, what maner of landes & how many acres euery man had to his house at that time, & where they lye. The namē of a Sarueyour is a french name, and is as muche to saye in Englyshe, as an ouerseer. Than it would be knowen, how a surueyour should ouersee or suruey a towne or a lordship. As if the citie of London should be surueyed, the surueyour maye nat stande at Hygate, nor at Shoters hylle, nor yet at the Blackeheth, nor suche other places, and ouerlooke the citie on euery side. For if he do, he shall not see the goodly stretes, the fayre buildynges, nor the great substaunce of rythesse conteyned in them, for than he may be called a disceyuer, and not a surueyour: And in likewyse if a man shall viewe a close or a pasture, he may not loke ouer the hedge, and go his waye, but he muste other ryde or goo

ouer,

ouer, and see euery parcell therof, & to knowe howe many acres it conteyneth, and howe muche thereof was medowe grounde, howe much pasture grounde, howe muche woodde grounde, or bushe grounde, heythe lynge, or suche other, and what an acre of medowe grounde is worth, & what an acre of pasture, & what an acre of the wood grounde or bushe, and suche other be worth. And what maner of cattell it is best for, and how many cattell it will grasse or finde by the yere, and what a beastes grasse is worth by the yere in such a pasture, or elles he can nat set a true vaine what it is worthe. And therfore a surueyour muste be dylygent and laborous, and nat slouthfull and retcheleste, for and he be, he is nat worthy to haue his fee or wages, & maye fortune to make an vnperfite boke. And if he so do, it is to his shame and rebuke, and great ieoperdye to his soule to make a false president, wherfore it is conuenient to remembre the saying of the wise philosopher. Adhibe curam, that is to saye, take hede to thy charge, & so if he shoulde viewe a citie or a towne, he must begyn at a certayne place, as if it were at the drawe bridge of London bridge on the East side, and there to make hys title lynge where he beginneth, & to shewe who is lorde of the house nexte vnto the sayde bridge, and who is tenaunte. And if he be a freeholder,

what chiefe rente he payeth to the lorde cu-
stomes or other seruices. And if it be no free
holde, that the rent nedeth nat to bee spoken
of but at his pleasure, for it may rise and fal.
And how many fote in breade & howe many
in length. Than to the seconde house on the
same east side in like maner, and so to per-
vse from house to house, till he come at saincte
Magnus churche. And than returne agayne
to the saide drawe bridge on the weste side, &
there begin at ỳ house next to the said bridge,
and to peruse from house to house, tyll he
come to the corner nexte Temmes strete, and
than he maye chose whether he will folowe
the southside of the said Temmes strete, west
warde and Eastwarde, tyll he haue pervsed
the hole paryth. And if there be any maner of
gardens entrees or aleys, or other dwellyng
places within forthe, they may nat be ouer-
skipped, forgotten, nor lefte out, but taken by
the way: How muche euery garden is, howe
longe euery aley & entre is, and howe many
dwelling places be therin, and whose they be
and how many cellars or tauernes there be,
and how many footes euery one of them bee
in length & breade. And so to go from parish,
to parishe, till he haue viewed the citye, and
euery strete and lane would be remembred,
what length and breade they be of. And also,
euery church and church yarde, & other voide

places

places the whiche would aske a great leysar, but yet it is possible to be done.

¶ How a mā should viewe, but and bound, the maner and the townesshyp. Cap. xx.

¶ The towne of Dale.

¶ The view of the maner of Dale taken the tenth day of May the. xiiii. yere of the raigne of kinge Henry the. viii. by A. B. generalle Surueyour to the right honorable lorde. C. D. lord of the same, and by his commaundement, & also by the othes of E. F. G. H. and many other tenantes of the same, as hereafter ensueth.

¶ The citie of the maner of Dale standeth & lieth betwene the kynges hie way leadynge from the toune of A vnto the towne of B. on the south part, & the church yarde of the same towne of Dale on the East side, & the commē felde of the same towne called the north felde on the north part. And the rent or mese place of John Coke on the west part, & conteyneth 30. perches in brede, & .30 perches & .iiii. fote in length euery perche .xvi. fote & a halfe, wherupō is set the maner place sufficiētly builded with two cross chambres of stone, of bryck & tymber: with all maner houses of office within forth, and two barnes, & an ore hous, a heyhouse & a stable, a garden & an orchard. And if it be moued about, expresse how much

housing standeth within the mote, and how much without, and with what maner of couerynge the houses be couered. The whyche maner with the demains, landes, medowes, leyse, and pastures be now in the holdynge & occupation of I. S and payeth by the yere, at foure termes or two times there vsed s. &c by euen porcyons vi li. xiii s iiii. d.

¶ The syte of the personage standeth & lyeth betwene the sayd hie way on the south part, and the saide churche on the weste parte, and the sayd north felde on the northe parte and the tenementes of I C on the East parte. And the sayde person hath a crofte liynge betwene the sayd northfelde & the sayd churchyarde on the southe parte. And the sayde syte and crofte conteyneth tenne perches on the southe side, and. xiiii perches on the northe side, and. xxx perches in length on the Easte side, and. xvi, perches and a halfe on the west side. And the mancion place, and the howses therunto belongynge, be nowe ruinous, and one syr S. B is now person there, and hadde it of the gyffe of the lorde, to whome the gift belongeth euery thyrd tyme, and to I. F the nexte time and C D. the thyrde turne, and so as ofte as it falleth And the sayd S. B. occupieth the sayd personage him selfe, with all the glebe landes, medowes, tythes, and al other fruites, and is worthe by the yere. xx. li.

And

And in like maner of a vycarage, and than muste ye shewe who is persone, the whiche most commenly is a spirituall man.

¶ I. B holdeth a mese place frely of the lorde by charter. with diuers landes, medowes & pastures belongynge to the same. The which mese place lieth betwene the sayde hyghe way, and the sayde northe felde, as is beforesayd. and the sayd personage on the westside and the tenemēt or mese place of F B on the East parte, and cōteyneth. xii perches, on the south ende in brede, and xvii. perches, & foure fote in lengthe and xvi perches in brede on the northe ende, and he holdeth the sayd mese, with all that longeth therto, of the sayd lorde by homage, fealte, and ii s. by the yere. and halfe a pounde of peper, & sutes of court from thre wekes to thre wekes, & to the two great letes. And this he may expresse the seruice of the rēt. if he may haue perfite knowledge by the lordes presedens, or by originall deedes.

¶ F. B. holdeth a mese place with the appurtenaunce of the sayde lorde at his will. or by indenture or coppe. and it lieth betwene the sayde hye way, and the northe felde, and the forsaide mese place of I C on the westside, & the fielde called East felde on the East side cōteyneth. xi perches and fire fote in brede, and xviii. perches & ten fote in length And payeth vnto the lorde at the termes there vsuels

xvi. s. sute of courte, two hennes, and an herriot, at his decesse. &c.

¶ G. H. holdeth a cotage of the lorde by copy & standeth betwene the sayd hie way on ẏ northe side, and the townefelde called the southfelde on the southe parte, and the sayde East felde on the East side, and a mese place of the pryour of B. on the west side, & it conteineth by the hie way six perches, and at the south ende seuen perches and eyght fote, and on either side. xii. perches, and payeth by the yere at the sayd termes twenty pens suite of court and one henne.

¶ The pryour and the couent of B. holdeth a mese place and a croft with the appurtenāce of the lorde freely in pure almes, and it lyeth betwene the said cotage in the holding of G. H. on the East side, and a mese place of the lordes, in the holdynge of T. S on the weste and butteth vppon the sayde hye way on the sayde southe felde, and conteyneth in bredthe by the sayde hye waye sixtene perches, and in lengthe twenty perches, and at the southe ende twelue perches in bredth, and payeth to the lorde halfe a pounde of pepper for all maner of seruice. &c.

¶ T. S. holdeth a mese place of the lorde by indēture, and it lieth betwene the sayd tenemente of the pryours on the East side, and an other hie way that leadeth or goeth fro ẏ fore

sayde

said church or personage, vnto ẏ town of S. on the weste side, and betwene the foresayde hye way on the north side and the tenement of the lordes in the holdynge of H. L. on the South side, and it conteyneth tenne perches euery way, and payeth by the yere. &c. suyte of courte and herryotte. Also the sayde T. S. holdeth of the lorde an horse mylne, nexte adioynynge to his sayde mese, & the tenement of H. L and is conteyned bothe in length and brede within the sayde tenne perches, wherof the lorde shall finde all the greate tymber and brynge it to the mylne, and the mylner shall make all the coste, bothe of the house and the goynge geyre. And also he shal bothe thacke & dawbe at his owne coste & charge, and payeth for the same at the sayde termes, sixe shyllynges, two hennes at Christmas, & two capons at Pasche.

¶ H L. holdeth a tenemente of the lorde, and it lyeth bytwene the sayd horse mylne on the north side, and the sayde southe felde on the south side, & butteth vpon the sayd hye waye that leadeth to S on the west, and the crofte of the saide priours on the Easte, and conteineth. xii. perches & x. fote in breade by the hye way, & ix. perches in length to the saide croft and payeth at the termes a foresayd. x. s. two hennes at Christmas, and suite. &c.

¶ P. M. holdeth a cotage of the lorde at his

wyll,

wyll, and it lieth lyt wene the sayd way that leadeth to S on the East side, and a croft of R.Ɛ on the west side, and a felde called south felde on the southeside, and the tenemente of R Ɛ of the nozth, and it conteyneth in bzede by the hie way four perches, and in legth six perches and a halfe and payeth &c.

¶ R Ɛ holdeth a tenement and a crofte called the Swan, frely by charter, and they lye vppon the cozner betwene the sayde two hie waies on the nozth and East, and a tenemẽt of the lozdes, in the holdynge of w C. and a medow called west medow on the west side, and a cotage in the holdynge of P M. and southe felde on the southe side. And it conteyneth in it selfe viii. perches square, and the crofte conteyneth xii. perches in length and fyre in bzede, wherein be fiue buttes, of the which one butte is the sayd pzyour of B that is to say, nert vnto ẏ hedge on the west side, except one, and he holdeth the sayd tenement of the lozde by homage feaultie, and a sper hauke foz all maner of seruice.

¶ w C. holdeth a tenement of the lozde, lyynge betwene the sayde tenement of R.Ɛ. on the East side, and the medow called the west medowe on the weste and Southe, and the said way that leadeth from A vnto B on the nozthe side, and conteyneth xiiii. perches in bzede, & xvii. in lengthe, and payeth &c. suyte

of

of courte and herryot &c.

¶ I. L holdeth a tenement of the lorde, and it lieth betweene the said maner place on the East side, and the west medow on the weste side, and the northe felde on the northe side, and the sayde way that leadeth from A. to B. on the south side, and conteyneth by the way seuen perches, and in length tenne perches, & payeth at the termes accustomed xii s vi.d. two hennes at Christmas, suite of court, and herryot at his decesse &c.

¶ He that shal viewe, butte, and bounde landes or tenementes, by East, west, Northe. & Southe, it is necessary that he haue a Diall with him, for els and the sunne shyne nat, he shal nat haue perfit knowlege, which is East west, Northe and Southe. For many times the landes or medowes do not lie alwayes East or west, north or southe, but sometyme more of one part than of an other, as South East, or south west, north East or north west, and some two partes of the one, and but the thirde part of the other, as north north east, north north west. East north East, and East southe East, southe southe East, and southe southe west, and west south west, and west north west. But it nedeth nat to a surueyour to take so narow a diuersitie, but to butte it vpon the most part as it lieth, and than must the Diall gyue him perfite knowledge how it

lyeth,

lyeth, and so must he tytle it in his booke, as shal appere here after, & he must stande in the middes of the flat, whā he shal butte truely.

¶ How a man should butte and bounde the fieldes. Cap. xxi.

The north felde vpon Dale furlong.

¶ The northe felde lieth on the northe syde of the towne, and begynneth at the crosse at a furlonge, called Dale furlonge, the whiche furlonge conteyneth xxx landes, & two heed landes, and they butte on northe and southe, wherof the south endes butte vpon the halle orcharde, and vpon the crofte of I. L. and the north endes but vpon Rye hil. Than to begin on the East side nert to the hie way that leadeth to A. the persone hath two landes, the lorde three landes I. B one lande, F. G. two landes, the lorde foure lādes, the pryour two landes, the persone one lande, H. K. two landes, W. C. one lande, D. L. one lande, T. S. two landes, the pryour three landes, the lord two landes, G. D. one lande, the persone one lande, the lorde two landes nerte to the west side, and the heed landes nerte to the halle orcharde and the other heed lāde is the persons nert rye hill. And if the husbandes haue perfite knowledge which is a rodde and whiche is an halfe acre, than it were better to say the lorde hath an acre, conteinynge three landes

are

are made in foure or fiue landes, and I. C. halfe an acre made in two, & T. S a rodde, in one lande, and if it be lesse than a rodde, than call it a butte. How be it a mā may perceiue & know if any man make two landes of one lande, or of one lande make two landes by=cause of the certaine number of euery flatte.

¶ Bā furlonge lieth next to the same, & con=teineth xviii landes, and one hadlande at the ouer endes, and they lye East and west, and but vpon Dale furlong, at the nether endes, and on the southside next the persons crofte. The person hath iiii. landes, the pȝiour i. lād, I. C. ii landes, the lorde. iiii landes. I. B ii. landes. T. S. ii landes. D. L. one lande, G. H. one lande, ff. G. one lande, R. K. thȝee landes, the pȝiour two landes, D. M. one lande, the lorde hath the hadlandes.

¶ Whetehill furlonge lieth next to the same hadlandes, and it conteyneth xxvbi landes, and thȝe gores fother or pyke, and they be al one thynge, and be called so, bycause they bee brode in the one ende, and sharpe pyke in the other ende, & they be alway shorter than the other lande, and they butte vpō the sayd had lande of the land at the west ende, & vpō depe fyche at the East ende, and to begynne at the north west side of the said flatte. D. L. ii. lan=des. T. S ii landes, G. H. i lande, the lorde fiue landes, I. C. ii. landes, the person thȝe lādes,

w. C.

W.C. ii landes & one pike, the priour ii. lādes & i pike, F G. ii landes and i. pike, the lorde iiii. landes, R X iii. landes, T S. ii. landes, G.H ii landes, and the lord iii landes nexte to the south side.

¶ Than tourne agayne to Rye hylle, that conteyneth. xxxvi landes and two pikes, and butte vpon Dale furlōge on the south endes, and vpon longe medow vpon the north west endes. Than on the south East side nexte to the waye, that leadeth to A. the pryour hath to landes, G H one lande, the person ii. lāds J. B ii landes, F G. ii landes the lorde iii. landes, and. ii pikes. W.C ii landes, R X. iii. landes, T S ii. landes, P Q ii landes, H.L. ii landes, the lorde iii landes nexte to the balke, that the windmil standeth vpon.

¶ P Q the whiche holdeth a cotage of the lord, holdeth also the sayd windemilne, wher vnto all the lordes tenauntes are bounde to grynde al theyr corne and maulte, that they occupy of theyr owne, at the sayde mylne, as well free tenauntes as other, & the lord shall finde all maner of tymber and yron worke, bourd & nayles, & brynge them to the milne, & the milner shal naile vp the bourdes, make his shafte and the sayle yardes, vpholde and reparel the spindell and the rynde, the milne pykes and the saile clothes cogge and ronge, at his owne proper coste & charge, and shall

pay

pay by the yere xx.s. at the termes there vsuall, & to grinde the lordes corne & malte tolle free, and to grinde it firste nexte to the corne that is in the hopper, if any be &c.

¶ On the other side of the wynde mylne balke lieth a flatte called Peyse hylle, and it conteyneth. liii. landes, and foure pykes, and one hadlande, of the whiche landes there be fyre of them, that breake or cut in the myddes of the lādes, as shal appere by the bounding. And the sayd flatte lieth betwene the cōmen pasture, called the balke on the south East, & the forsayde medowe, called the longe medowe vpon the northe weste: and nexte vnto the forsaid balke, I. C. hath three landes, the lord fyre landes and a pyke, the person foure landes and a pyke, I. B. foure landes. F. G. two landes and a pyke, w. C. three landes, R. K. two landes, at the vpper ende nexte to the hadlande, P M. the neyther endes of the landes nexte to the longe medowe, C. S. foure landes, H L. three landes at the head, & I. C. the nether endes of the same, the prior. v. landes, the lorde eyght landes, I. B. three landes. B. H two landes and a pyke, F. G. one lande at the head, H L two lādes, buttyng vpon the same one lande, and vpon the medowe, the persone three landes next to the northe East side, and the pryour hath the hadlande at the heade. And this mee seemeth

shoulde be sufficient instruction for battynge and boundinge of all the fieldes one after an other.&c.

¶ How a man should batte and bounde the medowes. Cap.xxii.

¶ The longe medow belongynge to the townesshippe of Dale.

¶ The longe medow lieth vppon the northe side of the northfielde, betwene the said felde and the broke, that departeth the townshyp of Dale, and the townesshyppe of Sale, and the weste endes butteth vppon the way that leadeth to A. and the Easte ende of the same medow vpon a close of the layde lordes, called the parke close, and conteyneth C.xxii.acres, this medowe lieth in diuers shootes of length, somtime in two shotes of legth, somtime in one, and somtyme in three. Than to begin at the west side nexte to the way that gothe to A. on the ouershotte, the lorde hath foure acres, J. C. twoo acres and a halfe, the persone three acres, J. B. two acres & a halfe F. B. thre acres, the pryour foure acres, the lorde. viii. acres. And on the nether shot next vnto the broke nexte vnto the sayd hye way, F. B. two acres, the pryour four acres. G. D. halfe an acre, w. C. two acres and a halfe, R. P. fyre acres, the lorde. viii. acres. Than to the

longe

longe dolez that butte fro the sayd north felde to the sayd broke, T. S. four acres, the person three acres, J. L. an acre and a halfe, J. B. an acre and a halfe, the lord six acres, P. M. thre acres, H. L. three acres. And at the nether ende of the sayd thre acres, J. K. lord of Sale hath attached the weyre of his mille of Sale for the which attachment the sayd J. K. payeth to the lord of Dale, & to his heyres euery yere .ii.s. at the feaste of saincte Mychell tharcangell for all maner of seruice. &c. Than to the ouer shot nert the sayd felde, G. H. an acre and a rodde, w. C. thre roddes, R E. an halfe acre, the lorde two acres, the person halfe an acre, P. M. half an acre, the prioure two acres and a halfe, J. L. two acres, the lorde foure acres, T. S. two acres nerte to ỹ parke close. Than to the middell shotte nert to the longe dolez, F. G. an acre, the person thre acres, J. B. two acres, the lorde foure acres, H. L. two acres, the prioure foure acres nert to the sayd parke close. Than to the nethermoste shotte nerte the broke on the side nerte to the longe doles, the person two acres, R E. three acres, the lorde foure acres and a halfe, G. H. demi acre, the prioure two acres, w. C. two acres & a demi, J. L. demi acre, H. S. two acres, J. B. two acres in the corner nerte to the sayde parke close, and butteth vpon the sayd broke. And if there be any mo medowes, than butte

and bounde theym in lyke maner, for the mo medowes there be, and the fewer shottes, the better may they be bounded, for medowes go mosse commonly by acres, halfe acres, and roddes, and they ought to be well staked betwene euery mans doole, and specially well stoned with great stones betwene, & set on a great heyght, that they sinke not farre into the earth, for the properte of a stone is to dyscende downewarde, & the property of earth to ascende vpwarde. Therfore they would be taken hede vnto betime, and amended whan nede is. And this me semeth sufficient. &c.

¶ How a man should butte and bound his pastures. Cap. xxiii.

¶ The pastures belongyng to the same towne.

The lord hath a close called parke close, and it conteyneth. xxx. acres, and it lyeth betwene the sayde medowe, called longe medowe on the west parte, and a close of the personnes called Orheye on the Easte parte, and the sayde brooke on the Northe parte, and a fielde called Easte fielde on the Southe parte, and it is worthe by the yere, twenty shillynges &c.

¶ The person hath a close nexte to the same

called

called Orheye, and it conteineth .x. acres, and lyeth betwene the parke cloose on the weste parte, and a close of J. B. on the Easte side, and the sayd broke on the northest parte, and a fielde called Eastfelde on the west parte. I do not value it, bycause it is not the lordes, the quantitie of the acres therein is sufficient. &c.

¶ The sayde J. B. holdeth a lytell croft freely, belongyng to the tenement called rye crofte, and conteineth two acres, and lieth betwene the sayde persons close on the west side, and the lane that goeth towarde R. on the south East side, and butteth vpon the hye way that cometh from S. to the sayde towne of Dale on the north East side, and the said East field on the west part. I set it at no value, bycause he is a freeholder, & runneth in the chefe rētes of his house, but and it be gyuen to the freeholder by any other deede, than muste the surueyour expresse the chiefe rente therof by it selfe. And it is the moste spectall poynte of a Surueyour, firste to viewe, butte and bounde, bothe the towne and the hole lordshyp or euer he desire to see or looke vppon any euidence of any freeholders. For this firste done, the Surueyour may than perfitely know, whether the freeholder shewe his euidence for all his lande or nat, and let the surueyour haue good remembraunce, what parcels of landes

be conteyned in the sayd euydence. And than may he welle perceyue, whether he shew for all or nat. And if the deedes be shewed firste, the tenaunt may say there is for al his land, and the Surueyour can not controlle hym, nor say nay &c.

¶ F. G. holdeth a crofte of the lorde, lyinge nexte on the other side of the sayd lane called Gose crofte, and conteyneth two acres and a halfe, and butteth vpon the saide hye way on the northe East side, and the sayde East felde on ẏ west parte, &c. And thus ye may peruse, butte, and bounde all the croftes, closes, and pastures about the towne & within the lord-shyppe, whose so euer they be. And to expresse euerye hye waye, or crosse commen balke, or marle pyt, where they lie, the which shalbe a great redinesse many yeres hereafter. And if there be any cōmen pastures, where heardemen kepe theyr cattel, or any common woddes, mores, heythes, or suche other, they may nat be forgotten to be butted and bounded, as they lye. &c.

¶ How a man should amende errable lande. Cap. xxiiii.

¶ It is conuenient, that a husbande keepe his errable lande, liyng round, that it be nat to hygh in the rigge, nor to lowe in the mid-

des

des of the sides, nor to hy a litel fro the rayne: for than wil the water stande in the sides of the landes and drounе the corne, and though there be corne, yet it weareth the grounde and maketh it leane: For standynge water distroyeth grasse, and therfore it must nedes distroy corne, the whiche is muche more tender than the grasse. And if it so be than take thy plough, and begyn to plowe a forowe in the middes of the side of the lande, and cast it downe, as if thou shoulde falowe it, and so perfyse both sides till the rygge be cast doune and than take thy plough againe and begin to plowe where thou diddest plowe first, and rygge all the remeynaunt vpwarde, and so shalt thou bothe caste thy landes, and rygge them and al at one plowyng. And this wyll make the lande to lye rounde, the whiche is good bothe for corne and grasse. &c.

¶ An other maner of mendynge of errable lande, is to mucke it, marle it, lime it or dōge it, with the carte or wayne, and as I sayd in the boke of Husbandrye, to sette thy donge vppon the first sturryng, whan it is rygged, for that is best for many causes, and if thou lay it vpon the falowing, than set thy mucke heape in the rayne of the lande, & than spreade it, and all that falleth in the rygge cast it out agayne, for els it bothe but litell good, for it will be couered with earth, and seldome

sene agayne, &c.

¶ An other maner of mendynge of errable lande, is to sette thy shepefolde vpon it, and to flitte it euery daye, and it is better vppon the sturrynge than vpon the falowe, and the shepe folde is better vpō the rye ground than vpon the whete grounde. &c.

¶ An other maner, whan a husbande hath muche errable lande, and hath no donge nor shepe to compost nor donge his land withall, Than let the husbande take his ploughe, and cast al such landes three or foure tymes togider, & make theyr rigge there as ẏ raine was before. And if the landes be to brode whan it is so caste downe, than rygge eyther side by it selfe, and so make twoo landes of one lande, or thre landes of twoo landes. And so shal he finde new moulde, that was not sene in an hundred yeres before, the whiche must nedes gyue more corne than the other dydde before. &c.

¶ Howe a man should amende his medowes. Cap xxv.

¶ Se that there be no mouldye warpes castyng in the medowes, & if there be, in Aprill let them be sprad and beaten small. And this is the best way to spread them and make thē smalle, To take a greate bough of a tree, and

to

to plasshe the bowes a brode, and laye them lowe, and if they lie not brode inough, than take other small bowes, and binde them fast to the same, & to ley a tree or two ouerwhart the bowes, to holde them downe flatte to the earth, & to bynde the trees to the bowes that it fall not of. And than to booze an hole with an nawger in ỹ great boughes ende, or els to fye arope fast to all the boughes endes togyther, & to fast the teme to the same, and with oxen or hozses, to drawe the sayde boughes bothe vp and downe & ouerthwart the sayde mouldy warpe hilles, the whiche shal spzede them better than any mans handes can do, and that shall refresshe the grasse, and make the medowes muche better.

¶ An other maner of mendyng of medowes is, yf there be any rynnynge water or lande flud, that may be set or brought to rũne ouer the medowes, from the time that thei be mowen vnto the beginnyng of May, & they wil be much the better, and it shal kyll, drowne, and dryue away the mouldy warpes, and fill vp the lowe places with sandes, and make ỹ grounde euen and good to mowe. Al maner of waters be good, so that they stãde nat still vpon the grounde. But specially that water that cometh out of a towne frõ euery mans middyng or dongehyll is best, and will make the medowes moste rankest. And fro the be-

ginnyng of May, till the medowes be mowe and the hay gotten in, the waters woulde be set by and runne an other waye for diuers considerations. &c.

¶ To amende and make better, dyuers maners of pastures.

¶ It is vndouted, that there bee diuers maners, of pastures, as low groūd, like medow ground, ley ground, the which hath ben errable grounde of late, bushy ground, the which sometime hath ben errable grounde, busshye ground, the which was neuer errable groūd, gorstie grounde, the whiche hath ben errable grounde, gorsty grounde, the which was neuer errable. Brome grounde, heyth ground, marrys groūd, chalke ground, flinty groūd, chylturne grounde, and lymestone grounde.

¶ To amende lowe grounde like medowe ground.

¶ Ye shal do by it, as I haue shewed you in the next chapster before of your medowes, & if any water stande still and will nat voide, make a diche. ii. or thre, as nede shal requyre, and open the side of the diche that the water may come into it. Conuey the water awaye & with a plough make diuers forowes from

the sayd dyche vp in to the pasture, where the water standeth, and with a carte, a wayne, or a sleide carte away therth that the plough turneth vp, or els it wil stoppe the water on the one side, and if the ploughe forowe be to lytell, than make dyuers small dychesse and open theym on both sides, so that thou leaue no water standyng in the pasture no time of the yere And melch kie, draught oxen, labouryng horses and mares be most conuenient, to go togyther in such pastures.

¶ How to amende ley grounde, the whyche hath ben errable land of late. Cap. xxvii.

¶ We muste take hede how the leyse lye, and specially that they lye not to hyghe, for and they do, it is more profite to the husbande to cast it downe agayne, and sowe it with otes one yere, twoo, or three, and to laye it lower, and rounde in good temper, and see that no water staude at the landes endes, buttynge on the heed landes, and if it soo doo, thanne with a ploughe caste a forowe towarde the heedlandes, and than the water wyll folowe that forowe, and make the landes drye. But that forowe wyll nat serue paste one or two yeres, but it must be renewed. And if it ware mossye in winter, than woulde it be plowed

agayne

agayne and sowen with dyuers cornes, as the grounde requireth. And at the firste plowyng it would be plowed a square sorowe, as depe as it is brode, and layde flatte, and sowen with otes, that the mosse may roote, and than to lye falowe one yere, and than to be sowen with wheate, rye, or barley, as the husbande thynketh moste conuenient. And if it should lye falowe the first yere, the mosse will not rotte, and at winter it wil be wete, and drowne all the wheate and rye, that it toucheth. And if a man haue plentie of suche pasture, that wil be mossie euery thyrd yere, lette hym breake vp a newe piece of groūde, and plowe it and sowe it (as I haue sayde before) and he shal haue plenty of corne with littell dongynge, and sow it no lengar thā it will beare plentye of corne, without donge, and it will beare much better grasse. x or. xii. yere after. And if the leyse be to brode, than make twoo landes of one lande (as I haue sayde before) And shepe ar the most conuenient cattell that may go on suche pasture, and best they will amende the grasse, and to take good hede that ye suffer nother bryers, nor blacke thornes, nor none other maner of busshes to growe in your pastures, and specially by the hedges &c.

¶ How

¶ How to amende bushy ground and mossy, that hath ben errable lande of olde time. Cap. xvii.

¶ There is none other remedy, but to stocke and gette vp the bushes by the rotes, and the lande plowed and sowen (as I haue sayd before) the reyst grounde if it be dry, will bring much corne, for the mosse wyll rotte, and the moll hillockes will amende the ground wel. And if there be any marle pittes, that haue be made of olde time within the same close, than whan the landes begyn to weare, if he haue not sufficient of suche bushy and mossy grounde to breake vp and sowe, than there woulde be newe marle pyttes made, and the lãdes new marled, the which is much better than other donge, mucke or lyme, for it wyll laste twentye yeeres togyther, yf it be well done, and shal be the better while it is lande. And I merualle greatly, that in the commen fieldes, where of olde tyme hath bene made many great marlepittes, ỹ whiche hath done much good to the landes, that nowe a dayes no man doth occupy thē, ne make none other, they neede not to doubte, but there is marle nowe as well as was than, but as me semeth there be two causes why, one is the tenaũts be so doubtefull of theyr lande lordes, that yf thei should marle and make theyr holdinges much

much better, thei feare leaſt thei ſhuld be put out, or make a great fine, or els to paye more rent. And if a lorde ſo do, me ſemeth he is vnreaſonable, ſeyng that it was done all at the coſtes of his tenaunt, and nat at his. The ſeconde cauſe, is that men be diſpoſed to ydelneſſe, and will nat labour, as thei haue done in tymes paſt, but paſſe forth the time as his father did before hym, but yet me ſemeth a freholder ſhould nat be of that condicio, for he is in a ſurette, his chiefe lorde can not put him out doynge his duetye. And he knoweth well, he ſhall take the profite while he liueth, & his heyres after him, a corrage to improw his owne, the which is as good as and he had purchaſed as muche as the improwment cometh to. And one man this doyng, wold giue other men a corrage and a good example to folow the ſame. And al other countrees may take an enſample at Cheſterſhyre and Lancaſterſhyre, for many of theym that haue ſo doone, haue made the improwment as good as the lande was before. &c.

¶ How a mā ſhould amend buſhy ground, that was neuer errable lande. Cap. xxix.

¶ Ye muſt conſider what the ground is diſpoſed vnto, and whether it be drye or weate, or be diſpoſed to beare wood, graſſe, or corne.

If

If it be drye and full of grauell, it is better to beare woode, than either corne or grasse. If it be weake grounde, it is nat good for corne: but it will beare both woode and grasse, but and it be a blacke erth and drie, it is good for corne, and it will quite the cost to stocke it vp by the rotes, and to sowe it with corne. And if it be white cley, it is most cõmenly a weak grounde, and than it is nat good for corne, but it will beare both woode and grasse: and an acre of woodde is as good as an acre of corne grounde, or of grasse, and in some place much better. And if ye will encrease the sayd bushy grounde, and to make more woodde: than betwene Michelmas and Martilmas, ye must gather many akehornes, & put them in earthen pottes, for those will keepe them moiste, and in Februarye and Marche set the sayd akornes in the sayd bushes, as thicke as ye will, and vndouted they will growe. And also ye may gette the keyes of asshes, nuttes, and such other, and set them in like maner, & to kepe al maner of cattel that will eate any woode out of the same grounde till it be past daunger of cattell. &c.

How to amende woode ground that lieth in seuerall pasture. Cap. xxx.

If they be great olde trees, if ye fell theym

by

by the erth, there wil neuer come any spring of them vp agayne, excepte they haue many smal pumples and springes about the rotes. And therfore such olde trees would be butte lopped & cropped, to beare more woode still: and if it be a good grounde to beare corne, & be but a few trees than it were best to stocke them vp by the rootes, and to plowe it and sowe it. And if it be but yōge woode, ye may chose whether ye wyll shrede it, loppe it, or croppe it, or fell it by the erth. And if ye fell it by the earth, and keepe the springe well, ye shal haue for euery tree two or three trees, so that it be felde at a dewe season of the yere, & that is betwene Candelmas and May, wher of I haue spoken sufficiently ynoughe in the boke of husbandry.

How to amende gorsky grounde that hath ben errable lande. Cap. xxxi.

Ye shal vnderstand that there be two maner of gorse, and some men call them firse. One maner will growe on dry ground, and that maner wyll growe as hyghe as a man, & haue a great stalke as much as a walking staffe, and if ye will suffer them to growe & fell the nat, by processe of time whan beastis go amonge them, & specially in winter time for colde, and in somer for shade, that will

cause them to dye. And many tymes & longe continuall frosse in winter wyll kyll these maner of gorse: and whan they be deed, yf they plowe the lande agayne and sowe it with corne, whā it lieth ley agayne, the gorse will growe agayne. And the best remedy for growyng againe, is to put vpon such maner of pasture many shepe to eate it bare, but in many places thei set great store by those maner of gorse, and specially for theyr fewell: & would nat gyue an acre of gorsye lande for two acres of errable lande. And on that maner of gorsty lande would growe good corne with litteil donge, and it is more profite to plowe it, and sow it than to lie ley, except he kepe it for his fewell, and they growe most commenly vpon drie ground, somwhat sandie or grauelly, and shepe is the most conuenient catteil that maye goe vppon suche pasture.

¶ Howe to amende gorsye lande, that was neuer errable lande. Cap. xxvii.

¶ If the grounde be drye and growe full of such maner of gorse with ẏ great stalkes, ye be at your libertie to do as I haue saide, and yf it be of the other maner of gorse or fyrse, the which growe lowe by the earth, and haue

but littel small stalkes, that maner of gorse groweth alway on well spryng ground, som what moyste and weate, and it will neuer beare good corne, but hewe it vp to bake and brewe withall, for it will nat lightely be distroyed, for if it be brende, it will growe agayne. But and there be marle vnderneth in the ground within the same close, if ye make coste, than bren the gorse at Marche, & with a bigge and many oxen, plowe it and make smal landes, and than marle them and sowe them with ootes, for that corne wyll growe best on such groūd. And if this will nat serue it is past remedy, for marle mendeth all maner of grounde but it is costly. &c.

¶ How to amend brome ground. Cap. xxxiii.

¶ Brome groweth alwaye vppon drye and sandy ground, and it wil beare good rye and otes, but it wyll not endure to beare corne longe, without it be donged with a carte or with the shepe folde, or bothe. And if ye let it lie ley and plow it nat, the brome will come againe, and shepe is the best cattell to hold it vnder, but neuertheleffe it wil growe, whan it is growen of a yarde of heyghte or more, that it is good to bake and brewe with, and specially whan a house is thacked, to take the brome & make it in quarters of a yarde long

or

there about, and pricke them in to the thacke by and by, and couer the thacke cleane ouer, and it shall bothe keepe out weate, and also saue it from pullynge downe with crowes, pies, dawes, or chowghes. And if ye woulde distroye it whan it is growen three or foure fote of height than about sainct James daye fell it a foote aboue the earth or more, & than the stalke will die for a good season, but yf it be plowed agayne, it will growe as faste as euer it dyd, whan ye leaue plowyng.

¶ How to amende heythy grounde. Cap xxxiiii.

¶ Ye shall vnderstande that there be foure maners of heyth grounde, s heyth growyng vpon grauell, and heyth growynge vpon sande, these two maners of heyth groundes will beare no corne without much donge or mucke, for seldome is there any marle vnder that maner of heythe. And in many countreys where plentie of lime stone is, the husbandes doo brenne the lyme stones with wodde and seecole, and make lyme thereof and doo set it vppon theyr landes as they do theyr donge, and do spreade it in like maner, the which they call much better than donge, for lyme is hote of him selfe. The other two maners of heyth is, heyth growynge vppon

white cley grounde, and heyth growing vpō blacke earth, that lyeth lowe like marreys grounde, and vnderneth these two maner of heyth groundes, there lieth most commonly marle. Than drenne the heyth & serch for the marle, and digge it vp and lay it thicke vpon the ground and spreade it, and than plow it & lowe it, and it is muche better than other lime, mucke, or any maner of dunge, and lengar it will lacke, and see that there be no water standyng vpon the sayde grounde. &c.

¶ How to amende marris grounde. Cap. xxxv.

¶ There is none other remedy, but firste to dreyne the water cleane away. And this is a good meane to dreyne the water clene away firste in the lowest close, where the water may be best auoided, make a great diche and a depe that the water may auoyde. And if all the water will not come to that great diche but stande still in diuers places, than make many small dyches one into an nother, from the sayde standynge waters, so that all these standyng waters maye come into the great dyche, and that by reason shoulde dreyne the water clene. And in a dry somer ye maye make many brode & depe diches, & seuer the marrys in diuers pastures, & make brydges

ouer

ouer the diches into euery close, and dyuers lanes made like a cauſey to conuey the cattel into the paſtures ſo that one cauſey or lane, may ſerue the cloſes or paſtures on bothe ſides. And in the loweſt place of euery cloſe or paſture, make a trenche or a littel diche into the great dyche that gothe aboute. And this ſhall ye make by proceſſe good paſtures of marreys grounde, and euer the longer the better paſtures: and ſpecially, yf ye putte in ſo much cattell, it ſhal make the better graſſe and the finer. And melche kye, draught oxē, and labourynge horſes is the beſte cattell to make good paſture of marreys grounde, and ſheepe on drye grounde, for they wyll eate the grounde moſte bareſt, and that cauſeth the graſſe to be good and fine. And yf this maner of dychynge wyll nat make the marreis grounde drye, than muſt you make a ſough vnderneath the earth, as men doo to gette cole, yron, ſtone, leade, or tinne. And yf that will nat ſerue, than kepe out your cattel for feare of drowninge. &c.

¶ How to amende bromy grounde and fernye grounde. Cap. xxxvi.

¶ Bromy grounde, and fernye grounde, bee much of one nature, for they growe on ſan-

ple and dye grounde: And they wyll beare good rye, barley, bygge, or beyze, and ootes if they be donged with shepe, carte, or wayne. For such light grounde will sone weare and washe with water, yf it be nat donged. And if they lye vnplowed they will growe full of bzome and ferne, and yf ye will distroye the bzome whan it is growen thze or foure foote hyel, in Midsommer moone, or soone after, whan it is full blomed, with a hedgyng byll cut the stalkes halfe a yarde aboue thearth, so that ye leaue no grene stalke growyng vpon the rote, and that will cause it to dye. But yf ye plow it agayne, and after let it lye, it will growe agayne. and if ye mowe ferne whan it is yonge, so that it be mowen before Mydsommer, by vse of suche mowynge, it will weare away.

¶ Of chylturne ground, flintie grounde, and chalke grounde. Cap. xxvii.

¶ Chylturne grounde, and flintye grounde be light groundes and dzye, and full of small stones, and chalke grounde is muche of the same nature, and thei will weare and wash away with water. And therfore they would be donged, as the bzomy and ferny groũdes be, for marle is seldome founde in these maner of groundes. And therefore yf ye wante

shepe

shepe and donge, they would lie ley and reste theym that they may mende with liynge.

¶ Of lyme stone grounde. Ca. xxxviii.

¶ Lyme stone grounde is very good, bothe for corne and grasse, and yet in some places there wil much heyth grow vpon lime stone grounde, and that is longe of ill husbandrye. For and that heyth were brenned, plowed & sowed the firste yere with otes, and than fallowed and sowed with whete, rie, & barley, and after with beanes or pease, it will beare muche corne wyth lyttell dounge, and shall beare alway after, ỹ better grasse. And shepe is the beste cattell that can go vppon any of these fire maner of groundes, and beste they wyll amende the grasse, and kepe them selfe from rottinge. And he that hath lyme stone, maye brenne it with cole and wodde & make lime, wherewith he may lyme his grounde, and that wyll bringe good corne, or he maye sell his lyme at his pleasure.

¶ What profites may come or growe to the lorde by reason of his waters. Cap. xxxix.

¶ Fyrste ye shall vnderstande, that there bee diuers maners of waters: that is to say, stã-

dyng waters, as pooles, meyres, mootes, and ſtewes And alſo runnyng waters, as greate riuers, ſmalle riuers, brokes, ſuches, welſprynges, and pyttes: than what profyt may come to the lorde of them. The lord may ſette the fiſhynges of al theſe ſayde waters to hys tenantes for certayne rent, & he may reſerue to him ſelfe certayne fiſhe, or to fiſh certayne times, or at any tyme at his pleaſure.

¶ The maner to make diuers maners of mylnes. Cap. xi.

¶ Alſo vpon theſe waters, the lorde may ſet diuers maner of mylnes, the which may be to the lordes great eaſe and profit. As vpō the great riuers, corne mylnes that be called grounde mylnes, and they be called grounde milnes, bycauſe the ouerſide of the heed ſyll lieth euē leuel with the ouerſide of the grounde in the bottom of the water. And alſo fullyng mylnes, otherwiſe called walkemilnes, may be made in like maner, and ſtande alſo vpon the great riuers And than one whele is able to dryue .ii. ſtockes, that is to ſay, bothe a poſtiere and a faller, the faller bothe to ſcoure & here ly, and the potyere to thycke the clothe. And commonly theſe mylnes be not ſet vpon the great ſtreames of the great ryuers, but a great parte of water is conueyed out of the great

great streame, by a mylne steme made with mans hande to a certaine place, where wisemen thinke the mylne most conuenient to be set, and the sayde water to be holden vp and brought to the sayd milne, by reason and setting of a weyre ouerthwarte the said streme made of trouse, tymber, or stone, or of bothe. And whan it is past the mylne, with a sufficient fall of the water, that the mylne stande nat in backe water, to returne into the riuer agayne. And in many places the said milnes be set on the one side of the great ryuer, and a weyre made of tymber and stone to holde vp the water to the mylne, the whiche is a great coste, and many tymes it will stande in lacke of water that it may not well go at a great floudde, except the grounde warke be made very hie. But they be profitable bothe in gryndyng of corne and fullyng of clothe, and in takyng of moch fishe. And in like maner these sayde two maner of mylnes maye be set vpon small riuers, without any steme castyng, but alonely his weyre, to holde vp the water, and his sludde gates, to let it goe at a floudde, whan neede shall requyre. Also there be two maner of corne mylnes, that is to saye, a breste mylne, & an ouershot milne. and those twoo maner of mylnes be set and goe most commonly vpon small brokes and vpon great pooles & meyres. And they haue

alway abrode bowe a foote brode and more, and the ladels be alway shrouded with compaſſ bordes on both ſides to holde in the water, and than they be called buckettes. And thei muſt be ſet much nerer togither than the ladels be, and muche more a ſloope downewarde, to holde muche water that if it fall not out, for it driueth the whele as wel with the weight of the water as with the ſtrēgth. And the mylner muſte drawe his water accordynge to his buckettes, that they may be alway full and no more, for the longer that they holde the water the better they be. And alſo other maner of fullyng mylnes, may be ſet & go vpon the ſayd ſmall brookes, pooles, or meyres, and thoſe be called fallers, for a faller by hym ſelfe requireth nat ſo greate ſtrength of water as the potter doth, bycauſe the water cometh moſt commonly ouer the whele, & the braces do but heaue vp the two fete, that fall into the ſtocke vppon the cloth, the whiche cauſeth the clothe to thicke and tourne. Alſo theſe mylnes that be ſet and goe on ſmall waters, may go and runne with a gogyn of yron vpon boulder ſtones or vppon braſſe as a bell dothe, for that wyll goe moſt lighteſt. But theſe milnes that go vpon theſe great riuers, that be brode beuy, & weyghtie muſt needes haue two great thicke hopes of yron foure inches brode, and an inche thicke:

and

and eight or nyne inches betwene the sides, set on both endes of the shafte, for the gogyn of yron will not beare them, and specially the fullynge mylne. And that mylne that gothe with a gogyn, yet must it haue on either end of the shafte a hope of yron and bulders vnder, and in the gogyn fayle or ware lose, but it shal nat touche them bothe at ones And let the mylner take good hede bothe to ỹ gogins and hopes that thei be not lose, for than will the shafte endes brenne of. For than he hurteth his lorde, his mayster, or him selfe, for mylne shaftes be costely. But in so muche as there is great profite to the lordes in makyng of these mylnes, and the most rente is raysed vpon so littell grounde, and ofte tymes for wante of the sede of discretion and experiẽce of good makyng, ther be many defauts made in them, & specially in makyng of the mylne trough, where the milne whele goth, for oft times they make it to holowe & deepe vnder the whele, ỹ the water standeth therin, whã the milne goth not, for the tayle still wold lye bare and drie, whan the milne goth not. And the tayle stille wold lie. xx. inches, or. xxiiii. vnder the heed stille, and the trough wold nat passe. iii. ynches holow at the most, & as long as it may receyue thre ladles, the fourthe ladell entrynge the water, and the fifte ladelle leauing the water. And the strake stilles both

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aboue and vnder would be of a good lengthe, so that the whele come not so nygh vnto the draught gate, by two fote or more, for the further fro the gate, the bygger and the swifter is the streme. And the lengar that the ladel is the better it is, so that it haue sufficiēt water And than the milner nedeth not to drawe vp his gate so hyghe, as yf the ladell be shorte, for the ebber the water is, the swifter it is. And a dowble bowed whele is much better than a single bowed whele for many causes, if there be sufficient water, and better it wil kepe the ladels from lossinge. The ladell most cōmonly of a double bowed whele, would be thre fote longe and a fote brode, and to draw vp his draught gate nine or tenne inches is sufficient. And than shall nat the bowe of the wheele be hidde nor couered in the water, & than it gothe swiftely. And vppon the great riuers the ladels maye be an elne longe, but for the weight & drawyng vp of the draught gate. &c. The greatter compasse the whele is, the lasse water wil driue it, but it wil nat go so ofte about as a littell whele wyll do. But the cogge whele in a corne milne, is a great helper, if it be well pycked, well cogged, and well ronged, fire ronges and xlviii cogges, are best for a great ryuer. For than the milne stone goth eight times about, and the water whele but ones, and euery ronge kepeth his

owne

owne cogge; & econtra: and changeth nat on any side. And for a meane water sixe ronges and .xlii. cogges is best. And for the ouershot mylne sixe ronges and .xxxvi. cogges is beste. For the cogge whele may nat be of so great a compasse as the other cogge wheles be. And in all these pickes, euery cogge keepeth his owne ronge. And yf ye putte in any whele a cogge or two cogges, more or lesse: than as I haue sayde, shall euery cogge chaunge hys ronge at all times, so that it be nat very truly picked it wil nat go well, and if it fortune to breke a cogge, as it is lyke to do, hit wyll than breake many of them, excepte he shote downe his draught gate shortely, & lykewise a windmylne. How be it a windmylne hath neuer vnder .xlviii. cogges, or .54. &c. but they must be so picked, that euery cogge kepe hys owne ronge, and seuen ronges are nat profitable for they goe lately. Of horse mylnes I do nat speake of the makynge, for I haue nat the experience of them, as I haue of water mylnes.

¶ Also the lordes and theyr tenants haue an other maner of profit by reason of these waters, ouer and beside these maner of mylnes or fisshynges, and that is by reason of the watrynge of theyr cattaile and beastes bothe winter and sommer, and specially of the rinnynge waters, as riuers, brookes, sucches,

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as welsprynges, for they done syldome frese or neuer, & they will be colde in sommer and warme in winter, & if a close wante water it hath a great meame & is much the worse.

¶ Furthermore it is cōuenient for a surueyor that whan he hath surueied his lordes lādes, and sene what profites and approwementes may rise and be made within the same, that he shewe his lorde thereof and aduise hym to do it, and to make the coste. For it is vndoubted, that a man can not make no surer purchase of any maner of lande, better titiell nor lighter coste, nor more aduauntage to hym selfe, than to improwe, amende, & make better, his owne oulde inheritance. I meane nat by the heightnyng, or reysing, or increasinge of the rentes of theyr tenauntes, but all onely in mending & makyng better his errable lādes, medowes, leyse, and pastures, and in makyng of water mylnes, windemilnes, horsemylnes, fullyng mylnes, sithe milnes, cutler mylnes be it by water or draughte of horses, smithe milnes, or such other. And also of gettyng of all maner of profites, as well vnder the earth as aboue (as before is remēbred) in the sixte chapiter.

¶ And by the reason of these improwmentes me semeth a man might make euery towneshippe that standeth in the playne champion countree & occupied in tillage halfe as good

agayne

agayne in all maner of profites to the tenaũtes as it was before, if the lordes therof and their tenantes can agre of the costes ẏ shuld be made thereof. And neuer a house nor cotage to be decayed nor lette downe, & to haue as much lande in tillage & plowyng as there was before, and theyr corne & grasse shoulde be better saued and kepte from distroyinge.

¶ Howe to make a township that is worthe. xx. markes a yere worth xx. li. a yere. Cap. xli.

¶ It is vndouted that euery towneshyppe that standeth in tillage in the playne countreye, there be errable landes to plowe and sowe, and leyse to tye or tedder theyr horses & mares vpon, and commen pasture to kepe & pasture theyr cattell, beastes, & shepe vpon. And also they haue medow grounde to gette theyr hey vpon. Than to let it be knowẽ how many acres of errable land euery man hath in tillage, & of the same acres in euery fielde to chaunge with his neighbours, and to leye them togyther, and to make hym one seuerall close in euery fielde, for his errable lãdes and his leise in euery fielde, to ley them togyther in one fielde, & to make one seueral close for them all. And also an other seuerall close for his porcion of his commen pasture, and

also

also his porcion of his medowe in a seuerall close by it selfe, and al kept in seuerall both in winter and sommer, and euery cotage shall haue his porcion assygned him accordyng to his rente, and than shall nat the ryche man ouerpresse the poore man with his cattell, and euery man maye eate his owne close at his pleasure. And vndoubted, that haye and straw that will finde one beaste in the house will finde two beastes in the close, and better they shall like. For those beastes in the house haue shorte heere and thynne, and towarde Marche they will pyll and be bare. And therfore they maye nat abyde in the fielde before the beardmen in winter tyme for colde. And those that lye in a close vnder a hedge haue longe heare and thycke, and they wyll neuer pylle nor be bare, and by this reason the husbande maye keepe twyse so many cattell as he did before.

¶ This is the cause of this apporowement. Nowe euery husbande hath fire seuerall closes, whereof three be for corne, the fourthe for his leyse, the fifte for his commen pastures, and the firte for his hay, and in winter time there is but one occupied with corne, and that hath the husbande other fiue, to occupie tyll Iente come, and than he hath his falow felde, his ley fielde, & his pasture felde all sommer. And whan he hath mowen his medow, than

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he hath his medowe grounde, soo that yf he haue any weake cattel that would be amended, or diuers maner of cattell, he maye put thē in any close he will, the whiche is a great aduantage: and yf all shoulde lye commen, than woulde the eddyshe of the corne fieldes and the aftermathe of all the medowes be eaten in .x. or .xii. dayes. And the ryche men that hath much cattell, woulde haue the aduantage, & the poore man can haue no helpe nor relefe in winter, whan he hath moste neede. And if an acre of lande be wor the fyue pens or it be enclosed, it will be worth eyght pens, whan it is enclosed, by reason of the compostyng and dungynge of the cattel, that shall goe and lye vpon it both day and night. And if any of his three closes that he hath for his corne be worne or ware bare, than he maye breake and plowe vp his close that he had for his leyse, or the close that he had for his commen pasture or bothe, and sowe them with corne, and lette the other lie for a time, and so shall he haue alway rest ground, the whiche will beare muche corne with litell dunge, and also he shall haue great profite of the woodes in the hedges whan it is growē, and not all onely these profites and aduātages before sayde, but he shall haue much more than all these: for by reason of these closes, he

shall saue meate, drynke, and wages of a sheheyerde, the wages of the herdeman, and the wages of the swine heerde, the whiche maye fortune to be as chargeable in all his hole rente, and also his corne shall be better saued fro eatyng or distroyinge with cattell. For doubte ye nat, but heerdmen with theyr cattell, shepeherdes with their shepe, and flyng of horses and mares, distroyeth muche corne, the whiche the hedges wolde saue. Paraduenture some men wouide saye, that this should be agaynst the cõmon weale, bicause the shepeherdes, herdemen, & swineherdes, shoulde than be put out of wages. To that it may be answered, though those occupacions be not vsed, there be as many newe occupations that were nat vsed before: As gettyng of quicke sertes, dichyng, hedgyng, and plaishyng, the whiche the same men may vse & occupie. Also it maye fortune men wyll say, that if all should be enclosed, that there wold be many foule lanes, as there be in Esser: but for that there maye be a prouision, and that is thus: Where the kynges hie way is, if it be drye grounde, stony grounde, or sandye grounde, in all suche places, maye be lanes made of a conuenient breade, for the kinges people to passe through with al maner of cariage. And where it is softe grounde lying le-

uell,

well, that the waters maye nat well passe by the dicheffe, at euery hedge that goeth ouerwharte the hie waye there to make agate, & stone it or grauell it in that place. And than hath euery man the hole close to ride, cary or goe in, as they had before, likewyse as they do at the winde gates a this side Chorley in Lancashyre, and likewise betwene towne & towne, and as to theyr owne drifte lanes to theyr closes, lette them make them for theyr owne ease as they will haue them &c.

¶ The moste indifferentest meane to make these appropwmentes, as me seemeth is this. All the lordes of one towne, be there neuer so many, shoulde be all of one assent, that theyr tenauntes should exchaunge theyr landes one with an other, & the said exchaunge to stande and endure for euer, for doute theim nat, but they knowe it beste, and euery tenaunt for his owne aduantage will doe indifferently. and the curate of the same parisshe for hys parte, and euery lordes baylye to be indifferent, to see the closes lotted and assigned to euery mans ease, so that euerye man maye haue one litteli crofte or close nexte to his owne house, if it may be thought, he haue no lande of his owne. This done, let euery lorde by his coppe of courte role, or by indenture, to make a sufficient lease to euery of theyr

tenauntes, to haue to hym, and to hys wyfe, and to his children, so that it passe not three lyues, than beynge a lyue and named, yeldyng and paying to theyr lordes and to their heyres, the olde rentes and seruyces, before due & accustomed durynge those three liues, vpon this condition, That they shall doo or cause to be done, durynge theyr liues, sufficiently to quycke, set, dyche, hedge, and plasshe, whan neede is, all the sayde closes, and so kepe theym durynge theyr liues, the whiche will be a great charge to the tenauntes. But yet me seemeth they maye well do it, if they entende to thryue, and specially do remembre the profites that maye come to them afterwarde. There is an olde sayinge: Quod leuis est labor cum lucro, that is to saye: That labour is lighte where wynnynge followeth, and muche of this labour maye be done by hym selfe, and his seruauntes, at a conuenient tyme, so that he let nat his husbandry. It is muche to be done in one yere, two, or three, but and they may doe it in fyue or nine yeres, as the fielde goe aboute, they hie them well, for it is to costely for husbandes to hyre it to be doone. And the lordes me seemeth, can do no lesse, than to graunt them these thre liues of the olde rente, remembrynge what profittes they maye haue at the ende of theyr

termes,

termes, they knowe not how soone. For vndoubted one sette day commeth at laste, and though the aduauntage of the lordes come nat anon, it will come at length. And therfore sayeth the philosopher, Quod differtur, non aufertur, that thyng that is deferred is nat taken away, and in the meane time the lordes haue no maner of losse, nor yet make no costes, but at theyr pleasure.

FINIS.

The table of this Booke.

First the prologue of the Authour, for the declaration of this present treatyse. fol.2.

¶ Of Castels and other buyldynges, what the walles, the tymbre, the stone, the ledde, the slate, the tyle, or other of couerynges is worth by the yere, aswel within the walles, as without. And also of gardens, curtilages, douehouses, and all other profites be worthe by the yere. Cap.i. fol.5.

¶ How many fieldes are of the demayns, & how many acres are in euery fielde, & what an acre is worth by the yere. Cap.ii. fol.6.

¶ How many acres of medow are of the demains, and how much euery acre is worth, & to what maner of cattell it is most necessarie vnto, & how many beastes it will finde, and what the pasture of a beast is worth by the yere. Cap.iii. fol.7.

¶ Of

¶ Of forrayne pastures that be cõmen, how many and of what maner of cattell the lord maye haue in the same, & what the pasture of a beast is worth by the yere. Ca. iiii. fo. 8.
¶ Of parkes & demeyne woodes, the whych the lordes may aſſerte and to do his profyt, and how many acres they contcyns, & what the beſture of an acre is worthe, and what the grounde is worthe whan the beſture is fallen. Cap. v. fol. 9.
¶ Of forren woodes where other men haue commen, whether the Lorde maye improue him ſelfe thereof, and of howe many acres, and what the beſture of an acre is worthe, and what the grounde is worthe whan the woode is fallen, and how many acres they contayne, and what an acre is worthe by the yere. Cap. vi. fol. 10.
¶ Of foure maner of commons. fol. eod.
¶ Whether the lorde maye gyue or ſell the reſidue of his forreyn woodes, & what ſuche gift or ſale is worth. Cap. vii. fol. 12.
¶ Of panage and herbage of the towne, and of all other profites of pooles, meyres,

and runnynge waters: of mores, heythes, and wastes, what they be worthe by the yere. Cap. viii. fol. 13.
¶ Of mylnes, seuerall fishynges, and commen fyshynges, what they be worth by the yere. Cap. ix. fol. 14.
¶ Of fre tenauntes, the which dwell without as well as within. Cap. x. fol. 16.
¶ Who be free tenaũtes, and what landes and tenementes, & by what fees they holde and by what seruice; whether by soccage or by knight seruice or other maner, and what rent of Assise they give by the yere, and who holdeth by chartour, and who by Auncient demeyne, and who by newe feoffement. Cap. xi. fol. 17.
¶ Of surrendres of landes holden by the yarde. fol. 20.
¶ Howe the stewarde shall deliuer seasen. fol. 21.
¶ The maner of the tenantes othe. fol. eod.
¶ How the copy shoulde be made of landes holden by the yarde. fol. eod.
¶ An other forme for certaine rent. fo. eod.

¶ A recognicion of a tenant. fol. 22.
¶ A fourme of a copy in auncient demeyne, where proclamacions shuld be made. fo. eod.
¶ The fourme of a copy in aũcient demeyn, where the wife shalbe examined. fol. 23.
¶ An other for terme of life. fol. eod.
¶ An other forme vpon condicion. fol. eod.
¶ A maner of surrender made to the baylye out of the court. fol. 24.
¶ Where the lord graunteth a copie of his speciall graunt. fol. eodem.
¶ An other maner for terme of yeres, wher the lorde shal kepe reparacion. fol. eod.
¶ An other maner, where a man pretendeth a title, and after releaseth in the court. fol. eodem.
¶ A fourme where the heyre is admitted to his laude after the death of his father. fo. 25.
¶ Another forme of landes tayled with a remaynder ouer. fol. eod.
¶ An other maner for terme of life, with a remainder ouer. fol. eod.
¶ A surrender out of the courte, and a remainder with a condicion. fol. 26.

¶ A supplicacion to be exempt frō al inques-
tes and iuries within the lordshyp. fol. eod.
¶ The othes of all maner of officers gene-
rally. fo. 27.
¶ The othe of a Denysen. fol. eod.
¶ The othe of a seruure. fol. eod.
¶ Of those free tenauntes that sewe in the
court of the countie, and who sewyth not,
and how much falleth to the lorde after the
decesse of such tenauntes. Cap. xii. fol. 29.
¶ How many customary tenants there be,
and how muche euery of them holdeth, and
what worckes and customes they do, & what
the werkes & the customes of euery tenant
is worth by the yere, and howe muche rent
euery of them payeth, ouer the customes &
werkes, and of bondmen. Cap. xiii. fol. 33.
¶ Of cotyers, what cotages and curtilages
they holde, & by what seruice, & how muche
rent they paye by the yere. Cap. xiii. fol. 35.
¶ Of perquesites or profytes of counties,
of courtes, and of forefettes, what they be
worth. Cap. xv. fol. eod.
¶ Of churches that belonge to the gifte of
the

the lorde, howe many there be, and where they be, and what euery church is worthe. Cap. xlvi. fol. 37.

¶ What the herryottes bee worthe, the feyres, erchetes, cuſtomes, ſeruices, & forreyne warkes: The plees and perqueſites of the courtes, fines, releſes, and all other thynges that maye fall to the Lorde by the yere. Cap. xlvii. fol. eod.

¶ Explicit capituli ſtatuti.

Of diuers maners of takynge and doyng of homage and fealtie. Cap. xlviii. fol. 39.

¶ What a ſurueyour ſhoulde doo. Cap. xlix. fol. 42.

¶ Howe a man ſhould viewe, but, & bounde, the maner and the townefhippes. Cap. l. fol. 44.

¶ Howe to butte and bounde the fieldes. Cap. li. fol. 47.

¶ How to butte and bounde the medowes. Cap. lii. fol 49.

How

¶ How to butte and bounde pastures. Cap. xxiii. fol. 50.
¶ How to amende errable lande. Ca. xxiiii. fol. 51.
¶ Howe a man shall mende his medowes. Cap. xxv. fol. 52.
¶ How to amende and make better diuers maner of pastures, and first of low ground like medowe grounde. Cap. xxvi. fol. 53.
¶ How to amende ley grounde that hathe bene errable lande of late. Cap. xxvii. fo. 54.
¶ Howe to amende busshy grounde, and mossy, that hath bene errable of olde tyme. Cap. xxviii. fol. 55.
¶ How to amende busshy ground that was neuer errable lande. Cap. xxix. fol. eod.
¶ How to amende woode grounde, that lyeth in seuerall pasture. Cap. xxx. fol. 56.
¶ Howe to amende gorstye grounde, that hath bene errable lande. Cap. xxxi. fol. eod.
¶ How to amende gorstie ground that was neuer errable lande. Cap. xxxii. fo. 57.
¶ Howe to amende brome grounde. Cap. xxxiii. fol. eodem.

How

¶ Howe to amende heyth grounde. Cap. xxxiiii. fol. 58.
¶ Howe to amende marrys grounde. Cap. xxxv. fol. eodem.
¶ How to amende brome grounde and ferny. Cap. xxxvi. fol. 59.
¶ Of chylturne grounde, flinty grounde, & chalke grounde. Cap. xxxvii. fol. eod.
¶ Of limestone ground. Cap. xxxviii. fo. 60.
¶ What profites may come or grow to the lorde by reason of his waters. Cap. xxxix. fol. eodem.
¶ Of diuers maners of mylnes. C. xl. fo. eo.
¶ How to make a township that is worth. xx. marke a yere, worth. xx. li cap. xli. fo. 64.

FINIS.

Whit my Steade lawe

John come the forbite maker